



Journal of the Senate

Number 8

Thursday, April 19, 1979

The Senate was called to order by the President at 9:00 a.m.
A quorum present—40:

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Prayer by the Rev. Paul D. Zink, Southside Assembly of God, Jacksonville:

Our Father who art in heaven, holy and revered is your name. Thy kingdom come, thy will be done on earth as it is in heaven.

We recognize our need of wisdom and guidance to accomplish your will. We ask your precious Holy Spirit to search our heart and our motives and bring them into accordance with your just will.

We realize there are a great number of voices in our society today that would try to influence the direction of man, but we turn solely to you and ask you to govern this legislative body. We will be quick to listen to your voice and to heed your word even this day.

We ask these things in Christ's name. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 19, 1979:

CS for SB 188	SB 545	CS for SB 47
SB 742	SB 37	SB 179
SB 743	SB 155	SB 127
SB 744	SB 452	Local Bill Calendar
SB 755	CS for SB 273	Consent Calendar
SB 622	SB 53	
SB 130	SB 321	

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar requests that the following bills be withdrawn from the Committee and placed on the local bill calendar for Thursday, April 19, 1979:

SB 426	SB 537	SB 644	SB 741
SB 513	SB 539	SB 670	SB 770
SB 514	SB 540	SB 713	SB 872 with
SB 515	SB 558	SB 721	amendments
SB 536			

Respectfully submitted,
Dempsey J. Barron, Chairman

On motions by Senator Barron, the rules were waived and by two-thirds vote the bills contained in the above report were withdrawn from the Committee on Rules and Calendar and placed on the local bill calendar.

The Committee on Rules and Calendar recommends the following bills be placed on consent calendar for Thursday, April 19, 1979:

SB 5	SB 207	SB 393	SB 606
SB 15	SB 80	SB 178	SB 611
SB 34	SB 267	SB 262	SB 585
SB 92	SB 314	SB 192	SB 163
SB 96	SB 330	SB 152	SB 301
SB 98	SB 331	SCR 67	SB 136
SB 109	SB 446	SB 594	SB 248
SB 125	SB 519	SB 601	SB 365
SB 191	SB 557	SB 605	

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Commerce recommends the following pass: SB 119

The Committee on Agriculture recommends the following pass: SB 651 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Commerce recommends the following pass: SB 664 with 2 amendments

The Committee on Agriculture recommends the following pass: SB 438 with 4 amendments

The bills contained in the foregoing reports were referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 12

The bill was referred to Ways and Means Subcommittee C under the original reference.

The Committee on Governmental Operations recommends the following pass:

SB 126 with 2 amendments SB 332 with 4 amendments

The bills were referred to Ways and Means Subcommittee D under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 210

The bill was referred to Ways and Means Subcommittee E under the original reference.

The Committee on Commerce recommends the following pass: SB 208, SB 379

The Committee on Governmental Operations recommends the following pass: SB 64, SB 94, SB 410

The Committee on Judiciary-Criminal recommends the following pass: SB 372 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: SB 482 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Agriculture recommends the following pass:

SB 650 SB 726 SB 729
CS for SB 280 with 1 amendment

The Committee on Commerce recommends the following pass:

SB 53	SB 658 with 2 amendments
SB 54 with 3 amendments	SB 679
SB 130	SB 694
SB 545	SB 742 with 2 amendments
SB 572	SB 743
SB 622 with 2 amendments	SB 744
SB 648	SB 755 with 2 amendments

The Committee on Governmental Operations recommends the following pass: SB 275 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass:

SB 682 with 1 amendment SB 659 with 2 amendments

The Committee on Judiciary-Criminal recommends the following pass: SB 452

The Committee on Ways and Means recommends the following pass: SB 66 with 2 amendments CS for SB 188 with 2 amendments

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 593

The bill with Committee Substitute attached was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 386

The bill with Committee Substitute attached was referred to the Committee on Governmental Operations under the original reference.

The Committee on Corrections, Probation and Parole recommends a Committee Substitute for the following: SB 95

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 419

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 68 and SB 25

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 234

The Committee on Corrections, Probation and Parole recommends a Committee Substitute for the following: SB 598

The Committee on Corrections, Probation and Parole recommends a Committee Substitute for the following: SB 599

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Agriculture recommends the following not pass: SB 547

The Committee on Judiciary-Criminal recommends the following not pass: SB 441

The Committee on Governmental Operations recommends the following not pass: SB 116, SB 286

The bills contained in the foregoing reports were laid on the table.

BILLS REFERRED TO SUBCOMMITTEE

Senate Bills 298 and 390 have been referred to a select subcommittee of the Committee on Agriculture composed of Senators Anderson, Don Childers, Tobiassen and Stuart, which will report to the full committee within 14 days.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Hair, by two-thirds vote SB 462 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Henderson, by two-thirds vote, SB 869 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Steinberg, SB 1147 was withdrawn prior to introduction.

On motions by Senator Gordon, the rules were waived and by two-thirds vote SJR 93 was withdrawn from Ways and Means Subcommittee D and the Committee on Ways and Means.

REQUESTS FOR EXTENSION OF TIME

April 17, 1979

The Committee on Agriculture requests an extension of 15 days for consideration of the following:

SB 298 by Senator Don Childers SB 390 by Senator Tobiassen

April 18, 1979

The Committee on Commerce requests an extension of 15 days for consideration of the following:

CS for SB 81 by Agriculture	SB 235 by Senator Scott
Committee and	SB 607 by Senator Myers
Senator Johnston	SB 612 by Senator McKnight

April 18, 1979

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following:

SB 360 by Senators Scott, Ware, and others

April 19, 1979

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following:

SB 630 by Senator Thomas	SB 660 by Senator Gordon
SB 645 by Senator MacKay,	SB 665 by Senator Hill
et al	SB 675 by Senator Vogt
SB 652 by Senator Skinner	SB 678 by Senator Johnston

April 19, 1979

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following:

SB 584 by Senator Fechtel SB 610 by Senator Gordon

April 18, 1979

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following:

SB 233 by Senator Steinberg	SB 629 by Senator Henderson
SB 311 by Senator Carlucci	
SB 408 by Senator Neal	SB 653 by Senator MacKay

industrial claims determines otherwise; reducing the penalty for late payments; prohibiting entry of order discharging an employer's liability prior to six months after employee reaches maximum medical improvement; prescribing procedures with respect to hearings relating to the discharge of the employer's liability; providing an employer with certain rights with respect to hearings relating to the discharge of the employer's liability; amending s. 440.25(1)-(3), (4)(b), (c), Florida Statutes, 1978 Supplement; establishing procedures with respect to hearings and requests therefor; requiring notice of filed request for hearing to be personally served or sent by certified mail; requiring that a hearing be held within 90 days of a filed request for hearing; requiring notice of order of hearing to be sent by certified mail; precluding findings of impairment in excess of the greatest impairment rating given the claimant by any physician; deleting references to awards for diminution of wage-earning capacity; conforming language; amending s. 440.26, Florida Statutes; providing when certain presumptions apply; amending ss. 440.30, 440.31, 440.32, Florida Statutes; conforming language; amending s. 440.34, Florida Statutes, 1978 Supplement; deleting attorney's fee schedule; requiring approval of payments to attorneys; requiring the claimant to pay 100 percent of his attorney's fees; providing exceptions; amending s. 440.37(2)(f), Florida Statutes, 1978 Supplement; conforming language; amending s. 440.38(1), (5), Florida Statutes, 1978 Supplement; imposing conditions to be met by self-insurers; authorizing the adoption of rules imposing conditions upon such self-insurers; providing a civil penalty for failure of a self-insurer to file certain reports; amending s. 440.39(1), Florida Statutes; conforming language; amending s. 440.44(2), (3)(a), Florida Statutes, 1978 Supplement; conforming language; amending s. 440.49, Florida Statutes, 1978 Supplement; providing for the rehabilitation of injured employees; limiting liability for subsequent injury through the Special Disability Trust Fund; amending ss. 440.50(1)(a), 440.51(5), (8), 440.52(2), Florida Statutes; conforming language; amending s. 440.57, Florida Statutes, 1978 Supplement; requiring the division to adopt rules permitting two or more employers to qualify as a group self-insurer's fund; authorizing the adoption of rules regulating such funds and the imposition of civil penalties; amending s. 440.58, Florida Statutes; amending s. 440.59, Florida Statutes, 1978 Supplement; conforming language; amending s. 627.151, Florida Statutes; prohibiting the Department of Insurance from approving an experience rating plan unless such plan contains certain provisions; creating s. 624.433, Florida Statutes; prohibiting excessive profits for workers' compensation and employer's liability insurance; requiring insurance carriers writing workers' compensation for employers in this state to maintain a claims adjusting office in this state; providing for review of health care and health services provided, by certain persons, pursuant to the workers' compensation laws; requiring persons providing such care or services to repay the amount received therefor under certain circumstances; amending s. 624.435 (1), (3), Florida Statutes, 1978 Supplement; requiring insurers to report on a certain basis with respect to reinsurance; requiring that reports include information for specified time periods and providing due dates and development stages therefor; amending various provisions of the Florida Statutes; conforming language; creating within the Department of Insurance a Workers' Compensation Rating Bureau; exempting the acquisition of certain data processing equipment and services from the provisions of part I of chapter 287, Florida Statutes; reviving and readopting chapter 440, Florida Statutes, as amended; repealing s. 440.13(3)(d), Florida Statutes, 1978 Supplement, which prescribes the statute of limitation for the right to remedial attention; repealing s. 562.132, Florida Statutes, 1978 Supplement, relating to classifying musicians and other entertainers as independent contractors for purposes of workmen's compensation; requiring a 21% reduction of rates for workers' compensation and employers liability insurance upon the effective date of this act; providing a retroactive effective date.

Allen Morris, Clerk

440.01 Short title.—This chapter may be cited as “*Workers’ Workmen’s Compensation Law.*”

CS for SB 188—A bill to be entitled An act relating to workmen's compensation; amending s. 440.01, Florida Statutes; redesignating the Workmen's Compensation Law as the Worker's Compensation Law; amending s. 440.02(2)(b), (d), (7), (8), (18), Florida Statutes, 1978 Supplement, and adding subsections (21), (22) to said section; providing definitions; amending s. 440.021, Florida Statutes; conforming language; amending s. 440.10(1), Florida Statutes; prescribing when employees of subcontractors are deemed to be employed by the contractor; amending s. 440.11(2), Florida Statutes, 1978 Supplement; conforming language; amending s. 440.12, Florida Statutes, 1978 Supplement; prescribing the maximum weekly compensation rate; establishing maximum monthly rates for wage-loss benefits; amending s. 440.13(1), (3)(a), Florida Statutes, 1978 Supplement; limiting payments for health care services; conforming language; adding s. 440.14(8), Florida Statutes; providing for the determination of an employee's average monthly wage; amending s. 440.15(1)(a), (b), (d), (e), (2)(a), (b), (3), (4), (5), (10)(a), (11), Florida Statutes, 1978 Supplement; prescribing the compensation rate for permanent total disability and for temporary total disability; providing that no compensation for permanent total disability shall be payable under certain circumstances; providing wage-loss benefits for a permanently and totally disabled employee who reestablishes an earning capacity; providing impairment benefits for certain permanent impairments; requiring that the division adopt an impairment schedule; providing wage-loss benefits for permanent impairments and establishing burden of proof requirements and termination of entitlement thereto; providing that benefits for temporary partial disability shall be based on actual wage loss; providing for the determination of compensation when a subsequent injury occurs; providing that certain federal benefits to an employee's dependents shall reduce the employee's compensation benefits under certain circumstances; precluding the payment of temporary total and permanent total disability benefits to an employee receiving unemployment compensation benefits; providing that unemployment compensation benefits are primary and wage-loss benefits are secondary; amending s. 440.151(1)(a), (d), (e), Florida Statutes; conforming language; amending s. 440.185(7), Florida Statutes, 1978 Supplement, and adding subsection (10) to said section; prescribing the time within which a carrier must file notice of a new policy; requiring the employee to report compensable wage loss to the carrier; requiring the division to verify the report upon request; requiring that the division adopt rules thereto; amending s. 440.19, Florida Statutes; requiring a request for hearing for compensation, for remedial attention, or for death benefits be filed within a certain time; providing that no statute of limitation applies to the right for remedial attention relating to prosthetic devices; prescribing contents of such requests; requiring an employer or carrier to furnish certain information; amending s. 440.20, Florida Statutes, 1978 Supplement; providing time limits for payments of compensation for temporary disability or death, and for impairment benefits and wage-loss benefits; providing that temporary disability or death benefits shall be paid weekly or biweekly except when the judge of

Section 2. Paragraph (b) of subsection (1), paragraph (d) of subsection (2), and subsections (7) and (8) of section 440.02, Florida Statutes, 1978 Supplement, are amended, and subsections (21) and (22) are added to said section to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(1) "Employment."

(b) The term "employment" shall include:

1. Employment by the state and all political subdivisions thereof and all public and quasi-public corporations therein, including officers elected at the polls.

2. All private employments in which three or more employees are employed by the same employer.

(2) "Employee."

(d) The term "employee" shall not include:

1. An independent contractor, including:

a. An individual who agrees in writing to perform services for a person or corporation without supervision or control as a real estate salesman or agent, if such service by such individual for such person or corporation is performed for remuneration solely by way of commission;

b. Bands, orchestras, and musical and theatrical performers, including disc jockeys, performing in licensed premises as defined in chapter 562, provided that a written contract evidencing an independent contractor relationship is entered into prior to the commencement of such entertainment;

2. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer; or

3. A volunteer who falls into one of the following categories:

a. Volunteers who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, in the event that such agency does not have salaried employees who receive mileage and per diem, then such volunteers who receive no compensation other than expenses in an amount less than or equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the division.

b. Volunteers participating in federal programs established pursuant to Pub. L. No. 93-113.

(7)(a) The term "carrier" means any person or fund authorized under s. 440.38 to insure under this chapter and includes self-insurers.

(b) The term "self-insurer" means:

1. Any employer who has secured payment of compensation pursuant to s. 440.38(1)(b) or (6) as an individual self-insurer; or

2. Any employer who has secured payment of compensation through a group self-insurer pursuant to s. 440.57; or

3. Any group self-insurer established pursuant to s. 440.57.

(8)(a) The term "commission" means the Industrial Relations Commission within the Department of Labor and Employment Security ~~Commerce~~.

(b) The term "division" means the Division of Workers' Compensation ~~Labor~~ of the Department of Labor and Employment Security ~~Commerce~~.

(21) The term "permanent impairment" means any anatomic or functional abnormality or loss, existing after the date of maximum medical improvement, which is stable or nonprogressive and which results from the injury.

(22) The term "date of maximum medical improvement" means the date after which further recovery from, or lasting improvement to, an injury or disease can no longer reasonably be anticipated based upon reasonable medical certainty, and on which temporary disability ends and permanent disability, if any, begins.

Section 3. Section 440.021, Florida Statutes, is amended to read:

440.021 Exemption of ~~workers'~~ ~~workmen's~~ compensation from chapter 120.—~~Workers'~~ ~~Workmen's~~ compensation adjudications by judges of industrial claims and the Industrial Relations Commission are exempt from chapter 120, and neither the judges of industrial claims nor the Industrial Relations Commission shall be considered an agency or a part thereof, and decisions of the division as to the entitlement of an employee or his dependents to benefits under this chapter are exempt from chapter 120. Any such decision of the division shall be deemed advisory. Should any party be dissatisfied with the decision of the division upon application for hearing, the claim shall then proceed to hearing before the deputy commissioner pursuant to s. 440.25.

Section 4. Section 440.06, Florida Statutes, is amended to read:

440.06 Failure to secure compensation; effect.—Every employer who fails to secure the payment of compensation under this chapter as provided in s. 440.38 may not, in any suit brought against him by an employee subject to this chapter to recover damages for injury or death, defend such a suit on the grounds that the injury was caused by the negligence of a fellow servant, that the employee assumed the risk of his employment, or that the injury was due to the comparative ~~contributory~~ negligence of the employee.

Section 5. Subsection (5) is added to section 440.09, Florida Statutes, to read:

440.09 Coverage.—

(5) Where injury is caused by the willful failure of the employer to provide a safety appliance or to observe a safety rule required by statute or lawfully promulgated by the division, or to take other reasonable steps to provide a safe workplace, notwithstanding any other provision of law or contract, the carrier shall have the right to recover from the employer \$500 plus 25 percent of any benefits paid by the carrier because of injury due to such failure, up to a maximum recovery of \$5,000.

Section 6. Subsection (1) of section 440.10, Florida Statutes, is amended to read:

440.10 Liability for compensation.—

(1) Every employer coming within the provisions of this chapter, including any brought within the chapter by waiver of exclusion or of exemption, shall be liable for and shall secure the payment to his employees, or any physician, or surgeon, or pharmacist providing medical services under the provisions of s. 440.13, of the compensation payable under ss. 440.13, 440.15, and 440.16. In case a contractor sublets any part or parts of his contract work to a subcontractor or subcontractors, all of the employees of such contractor and subcontractor or subcontractors engaged on such contract work shall be deemed to be employed in one and the same business or establishment, and the contractor shall be liable for and shall secure the payment of compensation to all such employees, except to employees of a subcontractor who has secured such payment; provided, however, that this section shall not apply where the subcontractor has certified in writing that his business is exempt from coverage. A subcontractor is not liable for the payment of compensation to the employees of another subcontractor on such contract work and is not protected by the exclusiveness of liability provisions of s. 440.11 from action at law or in admiralty on account of injury of such employee of another subcontractor.

Section 7. Section 440.11, Florida Statutes, 1978 Supplement, is amended to read:

440.11 Exclusiveness of liability.—

(1) The liability of an employer prescribed in s. 440.10 shall be exclusive and in place of all other liability of such employer to any third-party tortfeasor and to the employee, the legal representative thereof, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer at law or in admiralty on account of such injury or death, except that if an employer fails to secure payment of compensation as required by this chapter, an injured employee, or the legal representative thereof in case death results from the injury, may elect to claim compensation under this chapter or to maintain an action at law or in admiralty for damages on account of such injury or death. In such action the defendant may not plead as a defense that the injury was caused by negligence of a fellow servant, that the employee assumed the risk of the employment, or that the injury was due to the ~~contributory~~ ~~comparative~~ negligence of the employee. The same immuni-

ties from liability enjoyed by an employer shall extend as well to each employee of the employer when such employee is acting in furtherance of the employer's business and the injured employee is entitled to receive benefits under this chapter. Such fellow-employee immunities shall not be applicable to an employee who acts, with respect to a fellow employee, with willful and wanton disregard or unprovoked physical aggression or with gross negligence when such acts result in injury or death or such acts proximately cause such injury or death, nor shall such immunities be applicable to employees of the same employer when each is operating in the furtherance of the employer's business but they are assigned primarily to unrelated works within private or public employment.

(2) An employer's *workers' workmen's* compensation carrier, service agent, or safety consultant shall not be liable as a third party tortfeasor for assisting the employer in carrying out the employer's rights and responsibilities under this chapter by furnishing any safety inspection, safety consultative service, or other safety service incidental to the *workers' workmen's* compensation or employers' liability coverage or to the *workers' workmen's* compensation or employer's liability servicing contract. The exclusion from liability under this subsection shall not apply in any case in which injury or death is proximately caused by the willful and unprovoked physical aggression, or by the negligent operation of a motor vehicle, by employees, officers, or directors of the employer's *workers' workmen's* compensation carrier, service agent, or safety consultant.

Section 8. Subsection (2) of section 440.12, Florida Statutes, 1978 Supplement, is amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(2) Compensation for disability resulting from injuries which occur after December 31, 1974, shall not be less than \$20 per week. However, if the employee's wages at the time of injury are less than \$20 per week, he shall receive his full weekly wages. If his wages at the time of the injury exceed \$20 per week, compensation shall not exceed an amount per week which is:

(a) Equal to 100 ~~66%~~ percent of the statewide average weekly wage, determined as hereinafter provided for the year in which the injury occurred, *provided, however, that the increase to 100% from 66% of the statewide average weekly wage shall apply only to injuries occurring on or after July 1, 1979, and*

(b) Adjusted to the nearest dollar.

For the purpose of this subsection, the "statewide average weekly wage" means the average weekly wage paid by employers subject to the Florida Unemployment Compensation Law as reported to the department for the four calendar quarters ending each June 30, which average weekly wage shall be determined by the department on or before November 30 of each year and shall be used in determining the maximum weekly compensation rate with respect to injuries occurring in the calendar year immediately following. The statewide average weekly wage determined by the department shall be reported annually to the Legislature.

Section 9. Subsections (1) and (3) of section 440.13, Florida Statutes, 1978 Supplement, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(1) Subject to the limitations specified in paragraph (3)(e) ~~(3)(b)~~, the employer shall furnish to the employee such remedial treatment, care, and attendance under the direction and supervision of a qualified physician or surgeon, or other recognized practitioner, nurse, or hospital, and for such period as the nature of the injury or the process of recovery may require, including medicines, crutches, artificial members, and other apparatus. If the employer fails to provide the same after request by the injured employee, such injured employee may do so at the expense of the employer, the reasonableness and the necessity to be approved by a judge of industrial claims. The employee shall not be entitled to recover any amount personally expended for such treatment or service unless such employee shall have requested the employer to furnish the same and the employer shall have failed, refused, or neglected to do so or unless the nature of the injury required such treatment, nurs-

ing, and services and the employer or the superintendent or foreman thereof, having knowledge of such injury, shall have neglected to provide the same; nor shall any claim for medical, surgical, or other remedial treatment be valid and enforceable unless within 10 days following the first treatment (except in cases where first-aid only is rendered), and thereafter at such intervals as the division by regulation may prescribe, the physician or other recognized practitioner giving such treatment or treatments furnishes to the division and to the employer, or to the carrier if the employer is not self-insured, a report of such injury and treatment on forms prescribed by the division, provided that a judge of industrial claims for good cause may excuse the failure of the physician or other recognized practitioner to furnish any report within the period prescribed and may order the payment to such employee of such remuneration for treatment or service rendered as the judge of industrial claims finds equitable. Along with such reports, the physician or other recognized practitioner shall furnish a sworn statement that the treatment or services rendered were reasonable and necessary with respect to the bodily injury sustained. Said sworn statement shall read as follows: "Under penalty of perjury, I declare that I have read the foregoing, that the facts alleged are true, to the best of my knowledge and belief, and that the treatment and services rendered were reasonable and necessary with respect to the bodily injury sustained." All medical reports obtained or received by the employer, the carrier, or the injured employee, or the attorney for any of them, with respect to the remedial treatment, care, and attendance of the injured employee, including reports of every examination, diagnosis, or disability evaluation, shall be filed with the *Division Bureau of Workers' Workmen's* Compensation within 5 days after receipt of same. A medical report not previously filed with the *division bureau* shall not be received in evidence in a contested case unless the party offering same has furnished a copy thereof to the opposing party or his attorney at least 5 days prior to the hearing at which it is offered. The physician shall also furnish to the injured employee, or to his attorney, on demand, a copy of each such report without charge to the injured employee, except actual cost to the physician or hospital furnishing same.

(3)(a) All fees and other charges for such treatment or service, including treatment or service at any hospital or other health care provider, shall be limited to such charges as prevail in the same community for similar treatment of injured persons of like standard of living and shall be subject to regulations by the division, which shall adopt schedules of charges for such treatment or services.

(b) There is hereby created an advisory committee to aid and assist the Department of Labor and Employment Security ~~Commerce~~ in adopting schedules of maximum charges for hospital treatment and services payable through *workers' workmen's* compensation benefits, to be appointed by and serve at the pleasure of the Secretary of Labor and Employment Security ~~Commerce~~.

(c) The Division of Labor of the Department of Labor and Employment Security ~~Commerce~~ shall be empowered to investigate hospitals and medical practitioners to determine if they are in compliance with the schedule of charges adopted by the division or if they are requiring unjustified treatment, hospitalization, or office visits. If the division finds that the hospital or medical practitioner has made such excessive charges or required such treatment, hospitalization, or visits, the hospital or medical practitioner shall not receive payment under this chapter from a carrier, employer, or employee for the excessive fees or unjustified treatment, hospitalization, or visits, and, furthermore, the hospital or medical practitioner shall be liable to return to the carrier or self-insurer any such fees or charges already collected.

(d)1. As used in this subsection:

a. "Utilization review" means the initial evaluation of appropriateness in terms of both the level and the quality of health care and health services provided a patient based on medically accepted standards. Such evaluation is accomplished by means of a system which identifies the utilization of medical services above the usual range of utilization for such services based on medically accepted standards, and which refers instances of possible inappropriate utilization to a peer review committee.

b. "Peer review" means an evaluation by a peer review committee, after utilization review, of the appropriateness, quality, and cost of health care and health services provided a patient based on medically accepted standards.

c. "Peer review committee" means a committee composed of health care providers licensed under the same authority as the health care provider who rendered the services being reviewed.

d. "Health-care provider" means a physician licensed under chapter 458, an osteopath licensed under chapter 459, a chiropractor licensed under chapter 460, a podiatrist licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466.

2. The division shall develop and implement, or contract with a qualified entity to develop and implement, utilization review of the services rendered by a health-care provider, which services are paid for in whole or in part pursuant to chapter 440.

3. The division shall contract with a private nonprofit medical foundation to provide peer review of health-care services rendered pursuant to chapter 440. Under the terms of such contract, the foundation shall establish and maintain a procedure by which a peer review committee shall review the services rendered by a health-care provider, which services are paid for in whole or in part pursuant to chapter 440. Such review shall occur upon referral by the entity responsible for peer review to the foundation of reliable information that a health-care provider is rendering services in a manner which may be inappropriate with respect to either the level or the quality of care. The report and recommendations of the peer review committee shall be submitted to the division for such action as may be necessary in accordance with this section.

4. By accepting payment pursuant to chapter 440 for remedial treatment rendered to an injured employee, a health-care provider shall be deemed to consent to submitting all necessary records and other information concerning such treatment to utilization review and peer review as provided by this section. Such health-care provider shall further agree to comply with any decision of the division pursuant to subparagraph 5.

5. If it is determined that a health-care provider improperly overutilized or otherwise rendered or ordered inappropriate medical treatment or services, or that the cost of such treatment or services was inappropriate, the division may require such health-care provider to repay the amount which was paid for the rendering or ordering of such treatment or services. In addition, the division shall provide the licensing board of the health-care provider with full documentation of such determination. Any such determination by the division shall be reviewable in accordance with the provisions of ss. 120.57 and 120.68, upon written notice submitted by the health-care provider within 30 days of such determination.

6. The provisions of s. 768.40 shall apply to any person serving as a member of a utilization review committee and to any officer, employee, or other agent of the foundation with which the division has contracted pursuant to this section.

(e)(4) All rights for remedial attention under this section shall be barred unless a claim therefor is filed with the division within 2 years after the time of injury, except that if payment of compensation has been made or remedial attention has been furnished by the employer without an award on account of such injury a claim may be filed within 2 years after the date of the last payment of compensation or within 2 years after the date of the last remedial attention furnished by the employer; and all rights for remedial attention under this section pursuant to the terms of an award shall be barred unless a further claim therefor is filed with the division within 2 years after the entry of such award, except that if payment of compensation has been made or remedial attention has been furnished by the employer under the terms of the award a further claim may be filed within 2 years after the date of the last payment of compensation or within 2 years after the date of the last remedial attention furnished by the employer.

Section 10. Subsection (3) of section 440.14, Florida Statutes, is amended to read:

440.14 Determination of pay.—Except as otherwise provided in this chapter, the average weekly wages of the injured employee at the time of the injury shall be taken as the basis upon which to compute compensation and shall be determined subject to limitations of s. 440.12(2) as follows:

(3) If an employee is a seasonal worker and the foregoing method cannot be fairly applied in determining the average

weekly wage, then the employee may use, instead of the 13 weeks immediately preceding the injury, the calendar year or the 52 weeks immediately preceding the injury. The employee will have the burden of proving that this method will be more reasonable and fairer than the method set forth in subsections (1) and (2) and, further, must document prior earnings with W-2 forms, written wage statements, or income tax returns. The employer shall have 30 days following the receipt of this written proof to adjust the compensation rate, including the making of any additional payment due for prior weekly payments, based on the lower rate compensation. "Seasonal employment" means employment which can be conducted only during certain times of the year, and in no event shall employment be considered seasonal if it extends during a period of more than 14 continuous weeks within a calendar year.

Section 11. Paragraphs (a), (b), (d), and (e) of subsection (1), paragraphs (a) and (b) of subsection (2), subsections (3), (4), (10) and (11) of section 440.15, Florida Statutes, 1978 Supplement, are amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(1) PERMANENT TOTAL DISABILITY.—

(a) In case of total disability adjudged to be permanent, ~~66 2/3~~ 60 percent of the average weekly wages shall be paid to the employee during the continuance of such total disability.

(b) Loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof shall, in the absence of conclusive proof of a substantial earning capacity ~~to the contrary~~, constitute permanent total disability. In all other cases permanent total disability shall be determined in accordance with the facts. In such other cases, no compensation shall be payable under paragraph (a) if the employee is engaged in, or is capable of engaging in, any form of gainful employment.

(d) If an employee who is being paid compensation for permanent total disability shall become rehabilitated to the extent that he shall establish an earning capacity, ~~by employment~~ he shall be paid during the period of such employment, instead of the compensation provided in paragraph (a), ~~66 2/3~~ 60 percent of the difference between his average weekly wages at the time the total disability was incurred and his ~~wage earning capacity as determined by his actual earnings~~ ~~in such employment, subject to the provisions of s. 440.12.~~

(e)1. In case of permanent total disability resulting from injuries which occurred subsequent to June 30, 1955, and for which the liability of the employer for compensation has not been discharged under the provisions of subsection 440.20(10), the injured employee shall receive from the division additional weekly compensation benefits equal to 5 percent of the injured employee's weekly compensation rate as established pursuant to the law in effect on the date of his injury, multiplied by the number of calendar years since the date of injury, and subject to the maximum weekly compensation rate set forth in subsection 440.12(2). Such additional benefits shall be paid out of the Workers' ~~Workmen's~~ Compensation Trust Fund. This applies to payments due after October 1, 1974.

2. The division shall provide by rule for the periodic reporting to the division of all earnings of any nature and social security income by the injured employee entitled to or claiming additional compensation under subparagraph 1. Neither the division nor the employer or carrier shall make any payment of those additional benefits provided by subparagraph 1. for any period during which the employee willfully fails or refuses to report upon request by the division in the manner prescribed by said rules.

The division shall provide by rule for the periodic reporting to the employer or carrier of all earnings of any nature and social security income by the injured employee entitled to or claiming benefits for permanent total disability. The employer or carrier shall not be required to make any payment of benefits for permanent total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by said rules.

(2) TEMPORARY TOTAL DISABILITY.—

(a) In case of disability total in character but temporary in quality, ~~66 and 2/3 60~~ percent of the average weekly wages shall be paid to the employee ~~until such employee reaches the date of maximum medical improvement during the continuance thereof~~, not to exceed 350 weeks except as provided in s. 440.12(1).

(b) Temporary total disability, for which compensation shall be paid pursuant to paragraph (a), shall include such period as may be reasonably required for training in the use of artificial members and appliances, and shall include such period as the employee may be receiving training or education under a rehabilitation program pursuant to subsections 440.49 (1), (2) or (3), not to exceed 26 40 weeks, *which period may be extended for an additional period not to exceed another 26 weeks if such extended period is determined by the division to be necessary and proper; provided that no carrier, self-insurer, or employer shall be precluded from continuing such rehabilitation beyond such period on a voluntary basis. If rehabilitation requires residence at or near the facility or institution away from the employee's customary residence, reasonable cost of board, lodging, or travel shall be borne by the employer, carrier, or self-insurer.*

(Substantial rewording of subsection. See s. 440.15(3), F.S., 1978 Supp., for present text.)

(3) PERMANENT PARTIAL DISABILITY.—In case of disability partial in character but permanent in quality, the compensation shall be paid to the employee as follows:

(a) Impairment benefits.—

1. In case of permanent impairment due to amputation, loss of 80 percent or more of vision, after correction, or serious facial disfigurement resulting from an injury other than an injury entitling the injured worker to permanent total disability benefits pursuant to subsection (1), there shall be paid to the injured worker the following:

a. Fifty dollars for each percent of permanent impairment of the body as a whole from 1 percent through 50 percent; and

b. One hundred dollars for each percent of permanent impairment of the body as a whole for that portion in excess of 50 percent.

2. Once the employee has reached the date of maximum medical improvement impairment benefits are due and payable within 30 days after the carrier voluntarily accepts an impairment rating or within 30 days after a determination of impairment by a deputy commissioner.

3. In order to reduce litigation and establish more certainty and uniformity in the rating of permanent impairment, the division shall establish and use a schedule for determining the existence and degree of permanent impairment based upon objective medical findings. The schedule shall be based on generally accepted medical standards for determining impairment and may incorporate all or part of any one or more generally accepted schedules used for such purpose, such as the American Medical Association's Guides to the Evaluation of Permanent Impairment. On the effective date of this act and pending the adoption of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971 by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof.

(b) Income supplement.—

1. In case a worker suffers any permanent impairment, as determined pursuant to subparagraph 3 of paragraph (a), and suffers thereby greater than 20 percent reduction in post-recovery actual earnings when compared to the average weekly wage as determined pursuant to s. 440.14, the employee shall receive an income supplement amounting to 66 2/3 percent of the difference between the average weekly wage and post-recovery actual earnings for a period of 350 weeks, in addition to impairment benefits pursuant to paragraph (a), subject to the maximum weekly compensation rate contained in s. 440.12(2) but not the minimum contained in s. 440.12(2); subject to the limitations contained in subparagraphs 2. and 3. of this subsection.

2. Payment of income supplement benefits shall be made biweekly commencing with the date of maximum medical im-

provement, based upon a comparison of actual earnings during each weekly period with the pre-injury average weekly wage. However, an employee who earns 80 percent or more of his pre-injury average weekly wage in any week in such biweekly period following maximum medical improvement shall not be entitled to income supplement benefits for such week.

3. The amount of post-recovery actual earnings shall in no case be less than the sum actually being earned by the employee, if any, including earnings from sheltered employment. In the event the employee voluntarily limits his or her income, or fails to accept employment commensurate with his or her abilities, the wages the employee is able to earn after the date of maximum medical improvement shall be deemed to be the amount which would have been earned if the employee did not limit his or her income or accepted appropriate employment. Whenever an income supplement as set forth in subparagraph 1. may be payable, the burden shall be on the employee to establish that any income supplement claimed is the result of the compensable injury.

4. The right to income supplement benefits shall terminate:

a. At the end of any 2-year period commencing at any time subsequent to the date when the injured employee reaches maximum medical improvement, unless during such 2-year period income supplement benefits shall have been payable during at least 3 consecutive months, provided that, for the purposes of this subparagraph, "payable" shall be construed to include payment of unemployment compensation benefits in lieu of income supplement benefits as provided in subsection (11),

b. At 350 weeks after the injured employee reaches maximum medical improvement, or

c. When the injured employee reaches age 65, whichever comes first, except that, after age 62, income supplement benefits shall be reduced by the total amount of social security retirement benefits which the injured worker is receiving, not to exceed 50 percent of the injured worker's income supplement benefits.

5. Beginning with the 25th month after maximum medical improvement and for the purpose of determining income supplement benefits, the total wages, salary, and other remuneration for the month in consideration shall be discounted by an index of 6 percent or the most current annual rate of inflation as determined by the Consumer Price Index, published by the United States Department of Labor, whichever is less. The period of discount shall be 1 year less than the number of complete years from maximum medical improvement.

(4) TEMPORARY PARTIAL DISABILITY.—In case of temporary partial disability, *benefits shall be based on actual income loss and shall not be subject to the minimum compensation rate set forth in s. 440.12(2). resulting in decrease of earning capacity* The compensation shall be 66 2/3 60 percent of the difference between the injured employee's average weekly wages before the injury and the salary and wages the employee is able to earn after the injury and before reaching the date of maximum medical improvement, as determined pursuant to subsection (3) (b)2. *his wage-earning capacity after the injury in the same or other employment, to be paid until such employee reaches the date of maximum medical improvement during the continuance of such disability, but shall not to exceed 5 years.*

(5) SUBSEQUENT INJURY.—

(c) The fact that an employee has suffered previous disability, impairment, or disease or received compensation therefor shall not preclude him from benefits for a later injury nor preclude benefits for death resulting therefrom; but in determining compensation for the later injury or death his average weekly wages shall be such sum as will represent his earning capacity at the time of the later injury. However, if an employee who has received compensation under this chapter for a previous permanent partial disability, impairment, or disease incurs a subsequent permanent partial disability from injury or occupational disease arising out of and in the course of his employment which merges with the preexisting permanent partial disability, impairment, or disease to cause a permanent partial disability that is greater than that which would have resulted from the subsequent injury or occupational disease alone, the compensation received for the previous permanent partial disability, impairment, or disease shall be deducted from

the compensation payable for the subsequent permanent partial disability. If an employee with a preexisting permanent physical impairment, disability, or disease, whether symptomatic or asymptomatic, who has not received compensation under this chapter for the preexisting permanent physical impairment, disability, or disease, incurs a subsequent permanent impairment or disability from injury or occupational disease arising out of and in the course of employment which merges with the preexisting impairment, disability, or disease to cause a permanent impairment or disability that is greater than that which would have resulted from the subsequent injury or occupational disease alone, the percentage of impairment or disability due to the previous permanent impairment or disability shall be apportioned from the amount of impairment or disability resulting from the merger of the preexisting and subsequent impairments, disabilities, or diseases. However, in no event shall the compensation for the subsequent permanent partial disability be less than that allowed for the degree of disability that would have resulted from the subsequent injury or occupational disease if the previous disability had not existed.

(10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

(a) Weekly compensation benefits payable under this chapter for disability resulting from injuries to an employee who becomes eligible for benefits under 42 U.S.C. s. 423 shall be reduced to an amount whereby the sum of such compensation benefits payable under this chapter and such total benefits otherwise payable for such period to the employee and his dependents, had such employee not been entitled to benefits under this chapter, under 42 U.S.C. s. 423 and s. 402, does not exceed 80 percent of the employee's average weekly wage. However, this provision shall not operate to reduce an injured worker's benefits under this chapter to a greater extent than they would have otherwise been reduced under 42 U.S.C. s. 424(a). This reduction of compensation benefits shall not be applicable to any compensation benefits payable for any week subsequent to the week in which the injured worker reaches the age of 62 years.

(11) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO HAS RECEIVED UNEMPLOYMENT COMPENSATION.—Weekly compensation benefits payable under this chapter for temporary total disability or permanent total disability, or income supplement benefits for permanent partial disability, resulting from injuries to an employee who is receiving or has received unemployment compensation under chapter 443, or under the unemployment compensation law of any other state, for any week with respect to which weekly compensation benefits are payable under this chapter for temporary total disability or permanent total disability, or income supplement benefits for permanent partial disability, shall be reduced by the amount of unemployment compensation received.

Section 12. Paragraphs (a), (d), and (e) of subsection (1) and subsection (6) of section 440.151, Florida Statutes, are amended, and subsection (7) is added to said section to read:

440.151 Occupational diseases.—

(1)(a) Where the employer and employee are subject to the provisions of the *Workers' Compensation Law*, the disablement or death of an employee resulting from an occupational disease as hereinafter defined shall be treated as the happening of an injury by accident, notwithstanding any other provisions of this chapter, and the employee or, in case of death, his dependents shall be entitled to compensation as provided by this chapter, except as hereinafter otherwise provided; and the practice and procedure prescribed by this chapter shall apply to all proceedings under this section, except as hereinafter otherwise provided. Provided, however, that in no case shall an employer be liable for compensation under the provisions of this section unless such disease has resulted from the nature of the employment in which the employee was engaged under such employer and was actually contracted while so engaged, meaning by "nature of the employment" that to the occupation in which the employee was so engaged there is attached a particular hazard of such disease that distinguishes it from the usual run of occupations, or the incidence of such disease is substantially higher in the occupation in which the employee was so engaged than in the usual run of occupations, or, in case of death, unless death follows continuous disability from such disease, commencing within the period above limited, for which compensation has been paid or awarded or timely

claim made as provided in this section, and results within 350 weeks after such last exposure.

(d) No compensation for death from an occupational disease shall be payable to any person whose relationship to the deceased, which under the provisions of this *Workers' Compensation Law* would give right to compensation, arose subsequent to the beginning of the first compensable disability save only to afterborn children of a marriage existing at the beginning of such disability.

(e) The presumptions in favor of claimants established by s. 440.26 of this *Workers' Compensation Law* shall not apply to a claim for compensation for an occupational disease under this section.

(6) The time for notice of injury or death provided in s. 440.185 ~~440.18~~(1) shall be extended in case of occupational diseases to a period of 90 days.

(7) LOSS OF HEARING CAUSED BY HARMFUL NOISE IN EMPLOYMENT.—The following provisions shall be applicable in determining eligibility for compensation and the period during which compensation shall be payable:

(a) The term "harmful noise," as used in this subsection, means sound in employment capable of producing occupational loss of hearing. Sound of an intensity of less than 90 decibels, A scale, shall be deemed incapable of producing occupational loss of hearing.

(b) "Occupational loss of hearing" shall mean a permanent sensorineural loss of hearing in both ears caused by prolonged exposure to harmful noise in employment. Except in instances of preexisting loss of hearing due to disease, trauma, or congenital deafness in one ear, no compensation shall be payable under this subsection unless prolonged exposure to harmful noise in employment has caused loss of hearing in both ears as hereinafter provided. However, nothing in this subsection shall preclude payment of compensation when loss of hearing is the result of an accident, as defined in s. 440.02(18).

(c) No compensation benefits shall be payable for temporary total or temporary partial disability under this subsection and there shall be no award for tinnitus or a psychogenic hearing loss.

(d) An employer shall become liable for the entire occupational hearing loss to which his employment has contributed, but if previous deafness is established by a hearing test or other competent evidence, whether or not the employee was exposed to harmful noise within the 6 months preceding such test, the employer shall not be liable for previous loss so established, nor shall he be liable for any loss for which compensation has previously been paid or awarded and the employer shall be liable only for the difference between the percent of occupational hearing loss determined as of the date of disability as herein defined and the percentage of loss established by the preemployment and audiometric examination excluding, in any event, hearing losses arising from nonoccupational causes.

(e) In the evaluation of occupational hearing loss, only the hearing levels at the frequencies of 500, 1,000, and 2,000 cycles per second shall be considered. Hearing losses for frequencies below 500 and above 2,000 cycles per second are not to be considered as constituting compensable hearing disability.

(f) The employer liable for the compensation under this section shall be the employer in whose employment the employee was last exposed to harmful noise in Florida during a period of 90 working days or parts thereof, and an exposure during a period of less than 90 working days or parts thereof shall be held not to be an injurious exposure; provided, however, that in the event an insurance carrier has been on the risk for a period of time during which an employee has been injuriously exposed to harmful noise and if after insurance carrier goes off the risk said employee has been further exposed to harmful noise, although not exposed for 90 working days or parts thereof so as to constitute an injurious exposure, such carrier shall, nevertheless, be liable.

(g)1. The percentage of hearing loss shall be calculated as the average, in decibels, of the thresholds of hearing for the frequencies of 500, 1,000, and 2,000 cycles per second. Pure tone air conduction, audiometric instruments, properly calibrated according to accepted national standards, such as American Standards Association, Inc. (ASA), International Standards Organization (ISO), or American National Standards Institute, Inc. (ANSI), shall be used for measuring hearing loss. If more than one audiogram is taken, the audiogram having the

lowest threshold shall be used to calculate occupational hearing loss.

2. If the losses of hearing average 15 decibels (26 decibels if ANSI or ISO) or less in the three frequencies, such losses of hearing shall not constitute any compensable hearing disability. If the losses of hearing average 82 decibels (93 decibels if ANSI or ISO) or more in the three frequencies, then the same shall constitute and be total or 100 percent compensable hearing loss.

3. In measuring hearing impairment the lowest measured losses in each of the three frequencies shall be added together and divided by three to determine the average decibel loss. For each decibel of loss exceeding 15 decibels (26 decibels if ANSI or ISO), an allowance of 1 and one-half percent shall be made up to the maximum of 100 percent which is reached at 82 decibels (93 decibels if ANSI or ISO). In determining the binaural percentage of loss, the percentage of impairment in the better ear shall be multiplied by five. The resulting figure shall be added to the percentage of impairment in the poorer ear, and the sum of the two divided by six. The final percentage shall represent the binaural hearing impairment.

(h) There shall be payable for total occupational loss of hearing in both ears 150 weeks of compensation, and for partial occupational loss of hearing in both ears such proportion of these periods of payment as such partial loss bears to total loss.

(i) No claim for compensation for occupational hearing loss shall be filed until after 6 months have elapsed since exposure to harmful noise with the last employer. The last day of such exposure shall be the date of disability, except that the employer shall be permitted to show that the employee had reached his present level of hearing loss at an earlier date. The regular use of employer-provided protective devices capable of preventing loss of hearing from the particular harmful noise where the employee works shall constitute removal from exposure to such a particular harmful noise. For purposes of this subsection, the "last employer" shall be the employee's most recent employer who failed to provide protective devices capable of preventing loss of hearing.

(j) No consideration shall be given to the question of whether or not the ability of an employee to understand speech is improved by the use of a hearing aid. The judge of industrial claims may order the employer to provide the employee with an original hearing aid if it will materially improve the employee's ability to hear.

(k) No compensation benefits shall be payable for the loss of hearing caused by harmful noise after October 1, 1971, if the employee fails to regularly utilize the employer-provided protection device or devices capable of preventing loss of hearing from the particular harmful noise where the employee works.

Section 13. Subsections (1), (2), (4), and (7) of section 440.185, Florida Statutes, 1978 Supplement, are amended, and subsection (10) is added to said section to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(1) Within 30 days after the date of injury, the employee shall give notice of such injury to the employer and to the division, however, failure to give such notice shall not be a bar to any claim under this chapter:

(a) Unless objection to such failure is raised before the deputy commissioner judge of industrial claims at the first hearing of a claim for compensation in respect to of such injury or death, provided that, when the division file indicates that the employer has stated that an accident has not occurred, the deputy commissioner shall hear testimony on the issue of the occurrence of the accident unless the employer, and not the carrier or attorneys of record, has waived such right; provided, however, the provisions of s. 440.34 shall not apply as to the denial of coverage, and if:

(b)(a) If the employer or the agent thereof in charge of the business in the place where the injury occurred, or the car-

rier had knowledge of the injury and the deputy commissioner judge of industrial claims determines that the employer or carrier has not been prejudiced by the employee's failure to give such notice; or

(c)(b) If the deputy commissioner judge of industrial claims excuses such failure on the ground that for some satisfactory reason such notice could not be given; however, when the delay in giving notice is so excused, no compensation shall be payable for aggravation of the injury caused by want of "first aid" or proper medical treatment during such delay, and every presumption shall be against the validity of the claim.

(2) Within 7 days of actual knowledge of injury or death, the employer shall report same to the carrier or group self-insurer, and the division and the employee, by letter or on a form prescribed by the division, providing the following information:

(a) The name, address, and business of the employer;

(b) The name, social security number, street, mailing address, telephone number, and occupation of the employee;

(c) The cause and nature of the injury or death;

(d) The year, month, day, and hour when, and the particular locality where, the injury or death occurred; and

(e) Such other information as the division may require, including a clear and understandable summary statement of the rights and benefits of injured workers under the Florida Workers' Compensation Law.

(4) Upon receipt of notice of injury from the employer, the division shall immediately mail to the injured worker an informational brochure as prescribed by the division which sets forth in clear and understandable language a summary statement of the rights and benefits of injured workers under the Florida Workers' Compensation Law, together with an explanation of its operation. The division shall review any such notice of injury received and, if it appears to the division that the injury will result in permanent impairment, the division shall, within 3 days of receipt of such notice, contact the injured worker or a family member serving as personal representative thereof, by telephone if possible, otherwise by mail, in order to discuss the rights and benefits of the injured employee under the Florida Workers' Compensation Law and to assist the injured worker in securing any benefits provided for under this chapter to which such injured worker is entitled. The carrier or a self-insured employer shall, within 10 days of receipt of the form reporting the injury, or of knowledge of the injury if the employer is self-insured, mail the form or a letter containing the information required by subsection (2) to the division at its address in Tallahassee. However, the division may by rule provide for a different reporting system for those types of injuries it determines should be reported in a different manner.

(7) Every insurance carrier writing workers' compensation insurance for employment covered under this chapter shall file written notice with the division within 10 days after the issuance of a policy or contract of insurance. Notice of cancellation or expiration of policy as set out in subsection 440.42(2) shall be mailed to the division in accordance with rules promulgated by the division under chapter 120.

(10) Any wages earned by the employee shall be reported by the employee to the division within 14 days after the employee has reached maximum medical improvement, and the employee shall continue to report such wages every 2 weeks thereafter, from which reports the division shall compute any loss of income due to a compensable injury. The failure of an employee to submit such report prior to the date a payment is due shall not disqualify an employee to receive income supplement benefits for the period of time involved; however, no payment shall be made until such report is submitted. In the case of an employee who is physically or mentally unable to submit such report, the division shall provide an alternative method of reporting and shall assist the employee in making such report. Each carrier or employee shall notify the division

that benefits are due. The division shall thereupon notify the employee of his or her right to claim income supplement benefits if he or she suffers from a loss in income due to a compensable injury. The division shall provide by rule for reporting of any income loss by the employee and may prescribe forms for such reporting. Within 10 days after receipt of the employee's report of income loss, the division shall calculate the amount of income supplement benefits payable and shall notify the carrier and employer. In order to verify the employee's report of income loss, the division shall compare this report to the quarterly wage report filed with the Division of Employment Security. The division shall notify the employee, the employer, and the carrier of any discrepancy in the two reports and adjustments shall be made accordingly. The division shall require by rule that the employer inform a worker who suffers a permanent impairment of his possible entitlement to income supplement benefits and other benefits and of his or her obligation to report a claimed income loss. Upon request for a hearing by any party, the claim for income supplement shall then proceed pursuant to s. 440.25.

Section 14. Section 440.19, Florida Statutes, is amended to read:

440.19 Time and procedure for filing claims.—

(1) Upon receipt by the division, every claim for benefits filed under this chapter shall be evaluated by the division to ascertain whether the claim can be resolved without a hearing, and within 10 days of such receipt the division shall make a decision as to the entitlement to benefits and shall notify the parties with respect thereto. Any such decision by the division shall be advisory. Upon a request for hearing by any party, the claim shall then proceed pursuant to s. 440.25. At any hearing before the deputy commissioner, the decision of the division shall not be *res judicata*, nor considered as evidence in the case. Should the division not render its decision within 10 days of the filing of a claim, a request for hearing may be filed and the claim then proceed to hearing before the deputy commissioner without a decision as to entitlement to benefits by the division.

(2)(1)(a) The right to compensation for disability under this chapter shall be barred unless a claim therefor is filed within 2 years after the time of injury, except that, if payment of compensation has been made or remedial treatment has been furnished by the employer without an award on account of such injury, a claim may be filed within 2 years after the date of the last payment of compensation or after the date of the last remedial treatment furnished by the employer.

(b) The right to compensation for death under this chapter shall be barred unless a claim therefor is filed within 2 years after the death, except that, if payment of compensation has been made without an award on account of such death, a claim may be filed within 2 years after the date of the last payment.

(c) Such claim shall be filed with the division at its office in Tallahassee and shall contain the name and address of the employee, the name and address of the employer, and a statement of the time, place, nature, and cause of the injury, or such fairly equivalent information as will put the division and the employer on notice with respect to the identity of the parties and the specific compensation benefit which is due but has not been paid or is not being provided ~~nature of the claim~~.

(d) Any deputy commissioner judge of industrial claims receiving a claim for compensation in any form shall, immediately upon receipt of such claim, mail said claim to the division at its office in Tallahassee.

(e) In no event and under no circumstances shall any of the rights of employees under the Workers' ~~Workmen's~~ Compensation Law be prejudiced or lost by failure or delay of deputy commissioners judges of industrial claims in mailing claims in any form to the division in Tallahassee.

(2) Notwithstanding the provisions of subsection (1) failure to file claim within the period prescribed in such subsection shall not be a bar to such right unless objection to such failure is made at the first hearing of such claim in which all parties in interest are given reasonable notice and opportunity to be heard.

(3) If a person who is entitled to compensation under this chapter is mentally incompetent or a minor, the provisions of subsection (2) ~~(1)~~ shall not be applicable so long as such person has no guardian or other authorized representative, but shall be applicable in the case of a person who is mentally incompetent or a minor from the date of appointment of such guardian or other representative, or in the case of a minor, if no guardian is appointed before he becomes of age, from the date he becomes of age.

(4) Where recovery is denied to any person, in a suit brought at law or in admiralty to recover damages in respect of injury or death, on the ground that such person was an employee and that the defendant was an employer within the meaning of this chapter and that such employer had secured compensation to such employee under this chapter, the limitation of time prescribed in subsection (2)(1) shall begin to run only from the date of termination of such suit, but in such an event the employer shall be allowed a credit of his actual cost of defending said suit in a sum not exceeding \$250, which shall be deducted from any compensation allowed or awarded to said employee under this chapter.

(5) An employer or carrier shall, at the request of an employee or the attorney thereof, furnish free of charge to such person all information relevant to a work-related injury suffered by the employee, whether or not a request for hearing therefor has been filed. Such information shall include all medical reports, statements of earnings, and other information which is in the possession of the employer or carrier and which relates to the employee or the injury.

Section 15. Subsections (3) through (13) of section 440.20, Florida Statutes, 1978 Supplement, are renumbered as subsections (5) through (15), respectively, present subsections (2), (4), (5), (7), and (10) are amended, and new subsections (3) and (4) and subsections (16) and (17) are added to said section to read:

440.20 Payment of compensation.—

(2) The first installment of compensation for temporary disability or death shall become due on the 14th day after the employer has knowledge of the injury or death, on which date all compensation then due shall be paid. Thereafter, compensation shall be paid in installments biweekly except when the judge of industrial claims determines that payments in installments should be made monthly or at some other period.

(3) Impairment benefits shall be payable in accordance with s. 440.15(3)(a).

(4) Income supplement benefits payable pursuant to s. 440.15 (3)(b) shall be payable biweekly, within 14 days of the date upon which the employer has knowledge of the compensable income loss.

(6)(4) If the employer controverts the right to compensation he shall file with the division on or before the 21st day after he has knowledge of the alleged injury or death, a notice in accordance with a form prescribed by the division, stating that the right to compensation is controverted, the name of the claimant, the name of the employer, the date of the alleged injury or death, and the grounds upon which the right to compensation is controverted, together with a written explanation setting forth in detail the reason or reasons why the claim has been controverted, and a copy of such notice shall be furnished by the employer to the employee and carrier or group self-insurer, if any. In the event the decision to controvert the claim is made by the carrier or group self-insurer of the employer, the carrier or group self-insurer shall furnish the division, the employer, and the employee with a written explanation setting forth in detail the reason or reasons why the claim has been controverted.

(7)(5) If any installment of compensation payable without an award is not paid within 14 days after it becomes due, as provided in subsection (2), there shall be added to such unpaid installment a punitive penalty of an amount equal to 20 percent thereof, which shall be paid at the same time as, but in addition to, such installment of compensation, unless notice is filed under subsection (4), or unless such nonpayment results from conditions over which the employer or carrier had no control. When any installment of compensation payable without an award has not been paid within 14 days after it became due and the claimant concludes the prosecution of the

claim before a judge without having specifically claimed additional compensation in the nature of a penalty under this section, he will be deemed to have acknowledged that, owing to conditions over which the employer or carrier had no control, such installment could not be paid within the period prescribed for payment and to have waived his right to claim such penalty. However, during the course of a hearing, the judge on his own motion ~~shall~~ may raise the question of whether such penalty should be awarded or excused. If no claim for such penalty is presented and the judge does not raise the question on his own motion during the hearing, no penalty will be awarded, and it will be deemed that the judge has excused such delay in payment of compensation pursuant to this section. The division may assess without a hearing the above-mentioned 20 percent additional payment against either the employer or the insurance carrier, depending upon who was at fault in causing the delay. However, if any party requests a hearing within 20 days of the assessment, such hearing shall be conducted before a judge of industrial claims in accordance with s. 440.25. The insurance policy cannot provide that this sum will be paid by the carrier if the division or the judge of industrial claims determines that the 20 percent additional payment should be made by the employer rather than the carrier. Any additional installment of compensation paid by the carrier pursuant to this section shall be paid directly to the employee.

(9)(7) In addition to any other penalties provided by this chapter for late payment, if any installment of compensation is not paid when it becomes due, the employer or carrier shall pay as a punitive penalty interest thereon at the rate of 12 percent per annum from the date the installment becomes due until it is paid, whether such installment is payable without an order or under the terms of an order.

(a) Within 30 days after final payment of compensation has been made, the employer shall send to the division a notice, in accordance with a form prescribed by the division, stating that such final payment has been made, the total amount of compensation paid, the name of the employee and of any other person to whom compensation has been paid, the date of the injury or death, and the date to which compensation has been paid.

(b) If the employer fails to so notify the division within such time, the division shall ~~may~~ assess against such employer a civil penalty in an amount not over \$100.

(12)(10)(a) *It is the stated policy for the administration of the workers' compensation system that it is in the best interests of the injured worker that he or she receive disability payments on a periodic basis. Lump sum payments in exchange for the employer's or carrier's release from liability for future payments of compensation, other than for medical expenses, shall be allowed only under special circumstances, as when the claimant can demonstrate that lump sum payments will definitely aid in his or her rehabilitation or are otherwise clearly in his or her best interests and that lump sum payments will avoid undue expense or undue hardship to any party, or that such claimant has removed himself or herself or is about to remove himself or herself from the state. In no case shall a lump sum payment be allowed in exchange for the release of an employer's or carrier's liability for future medical expenses.*

(b) Upon the application of any party in interest or upon joint petition of all interested parties, and after giving due consideration to the interests of all interested parties, if a judge of industrial claims finds that a lump-sum payment in exchange for release from liability is proper under paragraph (a) ~~it is for the best interests of the person entitled to compensation~~, said judge of industrial claims may enter a compensation order requiring that the liability of the employer for compensation shall be discharged by the payment of a lump sum equal to the present value of all future payments of compensation, computed at 4 percent true discount compounded annually, or requiring that the employer make advance payment of a part of the compensation for which said employer is liable by the payment of a lump sum equal to the present value of such part of the compensation, computed at 4 percent true discount compounded annually. ~~Upon joint petition of all interested parties and after giving due consideration to the interests of all interested parties, if a judge of industrial claims finds that it is for the best interests of the person entitled to compensation, such judge of industrial claims may enter a compensation order approving and authorizing the discharge of the liability of the employer for both compensation~~

and remedial treatment, care, and attendance by the payment of a lump sum equal to the present value of all future payments for both compensation and remedial treatment, care, and attendance; and A compensation order so entered upon joint petition of all interested parties shall not be subject to modification or review under s. 440.28. However, nothing in this subsection shall be construed to mean that a judge of industrial claims is required to approve any award for lump sum payment when it is determined by the judge of industrial claims that the payment being made is in excess of the value of benefits the claimant would be entitled to under this chapter. The judge shall make or cause to be made such investigations as he considers necessary, in each case in which the parties have stipulated that a proposed final settlement of ~~all~~ liability of the employer for compensation shall not be subject to modification or review under s. 440.28, to determine whether such final disposition will definitely aid the rehabilitation of the injured worker or otherwise is clearly for the best interests of the person entitled to compensation and in his discretion may have an investigation made by the Rehabilitation Section of the ~~Division Bureau~~ of Workers' ~~Workmen's~~ Compensation. The joint petition and the report of any investigation so made will be deemed a part of the proceeding. A judge, in his discretion, may hear testimony relating to a proposed stipulation for settlement under this subsection without having in hand the ~~division bureau~~ file; however, he shall in no event enter an order thereon without first having reviewed the ~~division bureau~~ file. *An employer shall have the right to appear at any hearing pursuant to this subsection which relates to the discharge of such employer's liability, and to present testimony at such hearing. The carrier shall provide reasonable notice to the employer of the time and date of any said hearing and inform him of his rights to appear and testify.* When the claimant is represented by counsel or when the claimant and carrier or employer are represented by counsel, final approval of the lump sum settlement agreement, as provided for in a joint petition and stipulation, shall be approved by entry of an order within 7 days of the filing of such joint petition and stipulation without a hearing, unless the judge determines, at his discretion, that additional testimony is needed before such settlement can be approved or disapproved and so notifies the parties. The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which such person is entitled to compensation shall, in the absence of special circumstances making such course improper, be determined in accordance with the most recent United States Life Tables published by the National Office of Vital Statistics of the United States Department of Health, Education, and Welfare. The probability of the happening of any other contingency affecting the amount or duration of the compensation, except the possibility of the remarriage of a surviving spouse, shall be disregarded. As a condition of approving a lump sum payment to a surviving spouse, the judge of industrial claims in the judge's discretion may require security which will insure that, in the event of the remarriage of such surviving spouse, any unaccrued future payments so paid may be recovered or recouped by the employer or carrier. Such applications shall be considered and determined in accordance with ss. 440.25 and 440.27 and the workers' ~~workmen's~~ compensation rules of procedure prescribed by the commission and adopted by the Supreme Court.

(16)(a) *The division shall examine on an ongoing basis claims files in its possession in order to identify questionable claims handling techniques, questionable patterns of claims, or a pattern of repeated unreasonable controverted claims by employers, carriers, or self-insurers and shall certify its findings to the Department of Insurance. Only such questionable techniques, patterns, or repeated unreasonable controverted claims as constitute a general business practice of a carrier in the judgment of the division shall be certified in its findings by the division to the Department of Insurance. Upon receipt of any such certification, the Department of Insurance shall take appropriate action so as to bring such general business practices to a halt pursuant to s. 440.38(2).*

(b) *The division shall publish annually a report which indicates the promptness of first payment of compensation records of each carrier or self-insurer so as to focus attention on those carriers or self-insurers with poor payment records for the preceding year. A copy of such report shall be certified to the Department of Insurance which shall take appropriate steps so as to cause such poor carrier payment practices to halt pursuant to s. 440.38(2). In addition, the division*

shall take appropriate action so as to halt such poor payment practices of self-insurers. "Poor payment practice" means a practice of late payment sufficient to constitute a general business practice.

(c) The division shall promulgate rules providing guidelines to carriers, self-insurers, and employers to indicate behavior that may be construed as questionable claims handling techniques, questionable patterns of claims, repeated unreasonable controverted claims, or poor payment practices.

(17) No penalty assessed under this section shall be recouped by any carrier or self-insurer in the rate base, premium, or in any rate filing. In the case of carriers the Department of Insurance shall enforce this subsection, and in the case of self-insurers the division shall enforce this subsection.

Section 16. Paragraphs (a), (c), and (d) of subsection (3) and paragraphs (b) and (c) of subsection (4) of section 440.25, Florida Statutes, 1978 Supplement, are amended to read:

440.25 Procedure in respect to claims.—

(3)(a) The division or judge of industrial claims shall make or cause to be made such investigations as it considers necessary in respect to the claim, and upon application of any interested party the judge of industrial claims shall order a hearing thereof; however, no claim for medical benefits only shall mature until the division certifies to the judge of industrial claims that the division is unable to secure such payment by the employer or carrier on behalf of the claimant. An application for hearing concerning a claim shall state concisely in separate numbered paragraphs the reasons for requesting a hearing and the questions at issue or in dispute which the applicant expects the judge to hear and determine, with sufficient particularity that the responding or opposing parties may be notified of the purpose of the hearing, including the issues to be heard and determined. No application for hearing filed on behalf of a party represented by an attorney shall be valid and of any force or effect unless there exists at the time of its filing a justifiable controversy determinable by the judge of industrial claims. Any application for hearing not in compliance with this paragraph shall be subject to dismissal upon motion of the division, the judge of industrial claims, or any interested party. ~~diminution of wage earning capacity shall mature until 90 days after the employee has reached maximum medical improvement.~~ If a hearing on such claim is ordered, the judge of industrial claims shall give the claimant and other interested parties at least 15 days' notice of such hearing served upon the claimant and other interested parties by mail. All medical reports obtained by the carrier or employer under this section shall be furnished free of charge to the employee or to the attorney thereof on demand. At least 10 days prior to any hearing being held, the judge of industrial claims shall conduct a prehearing conference between the injured employee and the employer and the employer's carrier or group self-insurer in order to determine if the matters at issue can be resolved without the need for a hearing. The judge of industrial claims shall determine at the prehearing conference whether the matters at issue can be resolved without a hearing and shall so indicate to the parties. Prior to the prehearing conference, the parties shall execute a written stipulation on a form to be provided by the division, which form shall include the following information: Whether a judge of industrial claims has jurisdiction of the parties and the subject matter of the claim; whether notice of accident was given to the proper parties; whether notice of hearing was given to the proper parties; whether venue is proper; whether the accident or condition arose out of and in the course of employment; the date of the accident or condition; whether there existed an employee-employer relationship; the average weekly wage; the appropriate compensation rate; whether medical reports will be stipulated into evidence; whether depositions will be stipulated into evidence; whether other tangible exhibits will be stipulated into evidence; date of maximum medical recovery; dates of payments of temporary total disability, temporary partial disability, and permanent partial disability; whether remedial treatment was furnished; and specifically what are the issues giving rise to the controverted claim.

(c) The order making an award or rejecting the claim, referred to in this chapter as a compensation order, shall set forth the findings of ultimate facts and the mandate, and the order need not include any other reason or justification for such

mandate. However, in making an award for diminution of wage earning capacity, the judge of industrial claims shall consider and make written findings of fact in the order on each of the following factors which are applicable to the specific claim before him:

1. ~~Extent of claimant's actual physical impairment.~~
2. ~~Claimant's age.~~
3. ~~Claimant's work history.~~
4. ~~Education of claimant.~~
5. ~~Inability to obtain work which claimant can perform in his after injury condition.~~
6. ~~Wages actually being earned by claimant after the injury.~~
7. ~~Claimant's ability to compete in the open labor market.~~
8. ~~Claimant's continued employment in the same employment.~~
9. ~~Evidence of good faith work search.~~

The compensation order shall be filed in the office of the division at Tallahassee. A copy of such compensation order shall be sent by mail to the parties and attorneys of record at the last known address of each, with the date of mailing noted thereon.

(d) Each judge of industrial claims or the Industrial Relations Commission is required to submit a special report to the ~~Division Bureau of Workers' Workmen's~~ Compensation in each contested ~~workers' workmen's~~ compensation case in which the case is not determined within 30 days of final hearing or within 180 days of filing an application for review. Said form shall be provided by the ~~division bureau~~ and shall contain the name of the judge of industrial claims, if the case is before a judge of industrial claims; the attorneys involved; and a brief explanation by the judge of industrial claims or the ~~Industrial Relations Commission industrial relations commissioner~~ as to the reason for such a delay in issuing a final order. The ~~Division Bureau of Workers' Workmen's~~ Compensation shall compile these special reports into an annual public report to the Governor, the Secretary of Commerce, the Legislature, The Florida Bar, and the appellate district judicial nominating commissions.

(4)

(b) The appellant shall have prepared, in accordance with the ~~workers' workmen's~~ compensation rules of procedure, a record [on] appeal, certified by the judge of industrial claims, which record must be filed with the commission within 45 days from the date of the filing of the application for review, unless the commission for good cause shown by verified petition presented prior to the expiration of said period shall extend the time therefor. The appellant shall have a copy of the record served on the opposing party or parties or their counsel, and evidence of such service shall be filed with the record when filed with the commission. Upon failure of the appellant to file a record with the commission, together with evidence of service of a copy thereof on the opposing party or parties, within the time specified or within such time as allowed by the commission pursuant to petition for an extension of time as aforesaid, the commission shall dismiss the application for review.

(c)1. Within 15 days after the content of the record on appeal has been determined, the judge of industrial claims shall serve notice upon the appellant or his attorney of the estimated cost of preparing the record on appeal and necessary copies thereof, and the appellant shall, within 15 days of the date of service, deposit the amount of the estimated cost of preparing the record at the office of the judge of industrial claims. If the appellant fails to deposit the amount of costs within the time allotted, the judge of industrial claims shall promptly notify the commission of such failure, and the commission shall dismiss the application for review. However, neither the division, nor the special disability trust fund, nor any self-insured state agency shall be required to make the deposit.

2. An appellant may be relieved in part or in whole from the costs for the preparation of the record on appeal if, within 15 days after the date notice of the estimated costs for the preparation is served, he files with the judge of industrial claims a verified petition to be relieved of costs. The verified petition shall contain a detailed and sworn statement of all his assets, liabilities, and income. Appellant's attorney, or the appellant if not represented by an attorney, shall include as a

part of the verified petition an affidavit or affirmation that in his opinion the application for review was filed in good faith and that the assignment of error contained therein constitutes a probable basis for the commission to find reversible error. A copy of the verified petition shall be served upon the division in Tallahassee and all other interested parties. The judge of industrial claims shall promptly conduct a hearing on the verified petition, giving at least 15 days' notice to the appellant, the division, and all other interested parties, which shall all be parties to the proceeding. The judge may enter an order without such hearing if no objection is filed by the division or an interested party within 12 days from the date the verified petition is filed. Said proceedings shall be conducted in accordance with this section and the ~~workers' workmen's~~ compensation rules of procedure to the extent applicable.

Section 17. Section 440.30, Florida Statutes, is amended to read:

440.30 Depositions.—Depositions of witnesses or parties, residing within or without the state, may be taken and may be used in connection with proceedings under the Florida ~~Workers' Workmen's~~ Compensation Law, either upon order of the judge of industrial claims or at the instance of any party or prospective party to such proceedings, and either prior to the institution of a claim, if the claimant is represented by an attorney, or after the filing of the claim in the same manner, for the same purposes, including the purposes of discovery, and subject to the same rules; all as now or hereafter prescribed by law or by rules of court governing the taking and use of such depositions in civil actions at law in the Circuit Courts of this state. Such depositions may be taken before any notary public, court reporter or deputy, and the fees of the officer taking the same and the fees of the witnesses attending the same, including expert witness fees as provided by law or court rule, shall be the same as in depositions taken for such Circuit Courts. Such fees may be taxed as costs and recovered by the claimant, if successful in such ~~workers' workmen's~~ compensation proceedings. If the claim has not been controverted or if 21 days have not passed without payment, then the carrier or employer taking the deposition shall pay the claimant's attorney a reasonable attorney's fee for attending said deposition.

Section 18. Section 440.31, Florida Statutes, is amended to read:

440.31 Witness fees.—Each witness who appears in obedience to a subpoena shall be entitled to the same fees as witnesses in a civil action in the circuit court; provided, however, that any expert witness, as defined in Rule 1.390(a) of the Rules of Civil Procedure, who shall have testified in any proceeding under this chapter shall be allowed a witness fee including the cost of any exhibits used by such witness in such reasonable amount as the judge of industrial claims may determine, not in excess of the rate prevailing in the locality for witness fees for such expert witnesses in ~~workers' workmen's~~ compensation proceedings, notwithstanding the limitation provided in s. 90.231.

Section 19. Subsection (1) of section 440.34, Florida Statutes, 1978 Supplement, is amended to read:

440.34 Attorney's fees; costs; penalty for violations.—

(1) A claimant shall be entitled to recover a reasonable attorney's fee from a carrier against whom he successfully asserts a claim for medical benefits. This entitlement shall arise only after the division certifies to the judge that it has unsuccessfully sought to cause the carrier to pay the subject medical benefits. In all other combinations of claims for benefits, the claimant shall be responsible for paying his own attorney's fees. No attorney's fee awarded under this section shall be based upon or paid out of the proceeds of any penalties accruing to benefit of a claimant pursuant to s. 440.20(7), (8), or (9), unless payment of such penalty has been obtained through the efforts of an attorney. If the employer or carrier shall file notice of controversy as provided in s. 440.20, shall decline to pay a claim on or before the 21st day after they have notice of same, or shall otherwise resist unsuccessfully the payment of compensation, and the claimant shall have employed an attorney at law in the successful prosecution of the claim, there shall, in addition to the award for compensation, be awarded a reasonable attorney's fee of 25 percent of the first \$5,000 of the amount of the benefits secured, 20 percent of the next \$5,000 of the amount of the benefits secured, and 15 percent of the remaining amount of the benefits secured, to be approved by the judge of industrial claims, which fee may be paid direct to the attorney for the claimant in a lump sum. With respect

to attorney's fees on claims for benefits other than medical benefits, 75 percent shall be paid by the employer or carrier and 25 percent shall be paid by the claimant; however, the employer or carrier shall pay all of the attorney's fee if the claimant proves to the judge that the employer or carrier handled his claim in a negligent, arbitrary, or capricious manner. However, the judge of industrial claims shall consider the following factors in each case and may increase or decrease the attorney's fee if in his judgment the circumstances of the particular case warrant such action:

(a) The time and labor required; the novelty and difficulty of the questions involved; and the skill requisite to perform the legal service properly.

(b) The likelihood, if apparent to the claimant, that the acceptance of the particular employment will preclude employment of the lawyer by others or cause antagonisms with other clients.

(c) The fee customarily charged in the locality for similar legal services.

(d) The amount involved in the controversy and the benefits resulting to the claimant.

(e) The time limitation imposed by the claimant or the circumstances.

(f) The nature and length of the professional relationship with the claimant.

(g) The experience, reputation, and ability of the lawyer or lawyers performing the services.

(h) The contingency or certainty of a fee.

Section 20. Paragraph (f) of subsection (2) of section 440.37, Florida Statutes, 1978 Supplement, is amended to read:

440.37 Misrepresentation; fraudulent activities; penalties.—

(2)

(f) It is unlawful for any attorney or other person, in his individual capacity or in his capacity as a public or private employee, or for any firm, corporation, partnership, or association to unlawfully solicit any business in and about city or county hospitals, courts, or any public institution or public place; in and about private hospitals or sanitariums; in and about any private institution; or upon private property of any character whatsoever for the purpose of making ~~workers' workmen's~~ compensation claims. Any person who violates the provisions of this paragraph is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Whenever any circuit or special grievance committee acting under the jurisdiction of the Supreme Court finds probable cause to believe that an attorney is guilty of a violation of this section, such committee shall forward to the appropriate state attorney a copy of the findings of probable cause and a copy of the report being filed in the matter.

Section 21. Section 440.38, Florida Statutes, 1978 Supplement, is amended to read:

440.38 Security for compensation.—

(1) Every employer shall secure the payment of compensation under this chapter:

(a) By insuring and keeping insured the payment of such compensation with any stock company or mutual company or association or exchange, authorized to do business in the state, or

(b) By furnishing satisfactory proof to the division of his financial ability to pay such compensation and receiving an authorization from the division to pay such compensation directly. The division may, as a condition to such authorization, require such employer to deposit in a depository designated by the division either an indemnity bond or securities, at the option of the employer, of a kind and in an amount determined by the division, and subject to such conditions as the division may prescribe, which shall include authorization to the division in case of default to sell any such securities sufficient to pay compensation awards or to bring suit upon such bonds, to procure prompt payment of compensation under this chapter. Further, the division shall require such employer to carry reinsurance at levels that will insure the actuarial soundness of such employers in accordance with rules promulgated by the division. Any employer securing compensation in

accordance with the provisions of this paragraph shall be known as a self-insurer, and shall be classed as a carrier of his own insurance.

(2) The license of any stock company or mutual company or association or exchange authorized to do insurance business in the state ~~shall~~ *may*, upon recommendation of the division, be suspended or revoked by the Department of Insurance for good cause. No suspension or revocation shall affect the liability of any carrier already incurred.

(3) The division ~~shall~~ *may* suspend or revoke any authorization to a self-insurer for a good cause. No suspension or revocation shall affect the liability of any self-insurer already incurred.

(4)(a) No carrier of insurance, including the parties to any mutual, reciprocal, or other association, shall write any compensation insurance under this chapter without a permit from the Department of Insurance. Such permit shall be given upon application therefor to any insurance or mutual or reciprocal insurance association upon the said department being satisfied of the solvency of such corporation or association and its ability to perform all its undertakings. The said department may revoke any permit so issued for violation of any provision of this chapter.

(b) *No carrier of insurance, including the parties to any mutual, reciprocal, or other association, shall write any compensation insurance under this chapter unless such carrier shall have a claims adjuster, either in-house or under contract, situated within the State of Florida.*

(c)(b) Any insurer, rating bureau, agent or other representative or employee of any insurer or rating bureau failing to comply with or which is guilty of a violation of any of the provisions of this chapter, or of any order or ruling of the Department of Insurance made hereunder, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083. In addition thereto, the license of any insurer, agent, or broker guilty of such violation may be revoked or suspended by the department.

(5) All insurance carriers authorized to write ~~workers'~~ *workmen's* compensation insurance in this state shall make available, at the option of the employer, an insurance policy containing a coinsurance provision which shall bind the carrier to pay 80 percent, and the employer to pay 20 percent, of the ~~medical~~ benefits due to an employee for an injury compensable under this chapter, up to the amount of \$2,500 or \$5,000. One hundred percent of the medical benefits above \$2,500 or \$5,000, as the case may be, due to an employee for one injury shall be paid by the carrier. Regardless of any coinsurance or deductible amount, the claim shall be paid by the applicable carrier, which shall then be reimbursed by the employer for any coinsurance or deductible amounts paid by the carrier. The employer shall be liable for such reimbursement. *No employer shall be required to purchase a policy containing a coinsurance provision, but every employer must, prior to the issuance of any insurance by a carrier under this chapter, affirmatively reject such a coinsurance provision in writing.* No insurance carrier shall be required to offer coinsurance to any employer if, as a result of a credit investigation, the carrier determines that the employer is not sufficiently financially stable to be responsible for payment of such coinsurance amounts. The agent's commission shall be computed and paid on the basis of the policy without a coinsurance provision.

(6) The state, its boards, bureaus, departments, and agencies and all its political subdivisions who employ labor shall be deemed self-insurers under the terms of this chapter unless they elect to procure and maintain insurance to secure the benefits of this chapter to their employees and they are hereby authorized to pay the premiums for the said insurance.

Section 22. Subsection (1) and paragraph (a) of subsection (3) of section 440.39, Florida Statutes, are amended to read:

440.39 Compensation for injuries where third persons are liable.—

(1) If an employee, subject to the provisions of the Florida ~~Workers'~~ *Workmen's* Compensation Law, is injured or killed in the course of his employment by the negligence or wrongful act of a third party tortfeasor, such injured employee, or in the case of his death his dependents, may accept compensation

benefits under the provisions of this law, and at the same time such injured employee, his dependents or personal representatives may pursue his remedy by action at law or otherwise against such third party tortfeasor.

(3)(a) In all claims or actions at law against a third party tortfeasor, the employee, or his dependents or those entitled by law to sue in the event he is deceased, shall sue for the employee individually and for the use and benefit of the employer, if a self-insurer, or employer's insurance carrier, in the event compensation benefits are claimed or paid, and such suit may be brought in the name of the employee or his dependents or those entitled by law to sue in the event he is deceased, as plaintiff or, at the option of such plaintiff, may be brought in the name of such plaintiff and for the use and benefit of the employer or insurance carrier, as the case may be. Upon suit being filed, the employer or the insurance carrier, as the case may be, may file in the suit a notice of payment of compensation and medical benefits to the employee or his dependents, which said notice shall be recorded and the ~~same shall~~ constitute a lien upon any judgment or settlement recovered to the extent that the court may determine to be their pro rata share for compensation and medical benefits paid or to be paid under the provisions of this law. The employer or carrier shall recover from the judgment, after attorney's fees and costs incurred by the employee or dependent in that suit have been deducted, 100 percent of what it has paid and future benefits to be paid, unless the employee or dependent can demonstrate to the court that he did not recover the full value of damages sustained because of comparative negligence or because of limits of insurance coverage and collectibility. The burden of proof will be upon the employee. Such proration shall be made by the judge of the trial court upon application therefor and notice to the adverse party. *Notice of suit being filed shall be served upon the employer and compensation carrier and upon all parties to the suit or their attorneys of record by the employee. Notice of payment of compensation benefits shall be served upon the employee and upon all parties to the suit or their attorneys of record by the employer and compensation carrier. Notice of suit being filed and notice of payment of compensation benefits shall be served upon the compensation carrier and upon all parties to the suit or their attorneys of record.*

Section 23. Subsections (2), (3), and (4) of section 440.44, Florida Statutes, 1978 Supplement, are amended to read:

440.44 ~~Workers'~~ *Workmen's* compensation; staff organization.—

(2) *It is the intent of the Legislature that the division assume an active and forceful role in its administration of this act so as to ensure that the system operates efficiently and with maximum benefit to both employers and employees. BUREAU CREATED.—There is created, within the Division of Labor of the Department of Commerce, a Bureau of Workmen's Compensation, and, except as otherwise provided, the division shall administer the provisions of this act through this bureau.*

(3) **BUREAU CHIEF, EXPENSES, ETC.**

(a) ~~Under the direction and supervision of the division, the Bureau of Workmen's Compensation shall be administered by a full-time chief, who may exercise all powers, duties, and functions vested in the division by this chapter, except that this provision shall not be construed as a limitation on the authority of the division.~~

(b) The division shall make such expenditures including expenditures for personal services and rent at the seat of government and elsewhere, for law books, *for telephone services and WATS lines*, for books of reference, periodicals, equipment and supplies, and for printing and binding as may be necessary in the administration of this chapter. All expenditures of the division in the administration of this chapter shall be allowed and paid as provided in s. 440.50 upon the presentation of itemized vouchers therefor approved by the division.

(4) **MERIT SYSTEM PRINCIPLE OF PERSONNEL ADMINISTRATION.**—Subject to the other provisions of this chapter, the division is authorized to appoint, and prescribe the duties and powers of, ~~a bureau chiefs~~ *a bureau chief*, attorneys, accountants, medical advisers, technical assistants, inspectors, *claims examiners*, and such other employees as may be necessary in the performance of its duties under this chapter.

Section 24. Section 440.45, Florida Statutes, 1978 Supplement, is amended to read:

440.45 Deputy Commissioners Judges of industrial claims.—

(1) The Governor shall appoint as many full-time *deputy commissioners judges of industrial claims* as may be necessary to effectually perform the duties prescribed for them under this chapter. The Governor shall initially appoint a *deputy commissioner judge* from a list of at least three persons nominated by the appellate district judicial nominating commission for the appellate district in which the *deputy commissioner judge* will principally conduct hearings. The meetings and determinations of the Judicial Nominating Commission as to the *deputy commissioners* shall be open to the general public. No person shall be nominated or appointed as a full-time *deputy commissioner judge of industrial claims* who has not had 3 years' experience in the practice of law in this state; and no *deputy commissioner judge of industrial claims* shall engage in the private practice of law during a term of office. The Governor may appoint any former *deputy commissioner judge of industrial claims* to serve as a *deputy commissioner judge of industrial claims* pro hac vice to complete the proceedings on any claim with respect to which the *deputy commissioner judge* had heard testimony and which remained pending at the time of the expiration of the *deputy commissioner's judge's* term of office. However, no former *deputy commissioner judge of industrial claims* shall be appointed to serve as a *deputy commissioner judge of industrial claims* pro hac vice for a period to exceed 60 successive days.

(2) Each full-time *deputy commissioner judge of industrial claims* shall be appointed for a term of 4 years, but during the term of office may be removed by the Governor for cause. Prior to the expiration of the term of office of the *deputy commissioner judge of industrial claims*, the conduct of said *deputy commissioner judge* shall be reviewed by the appellate district judicial nominating commission in the appellate district in which the *deputy commissioner judge* principally conducts hearings, which commission shall determine whether said *deputy commissioner judge* shall be retained in office. A report of the decision shall be furnished to the Governor no later than 6 months prior to the expiration of the term of the *deputy commissioner judge of industrial claims*. If the judicial nominating commission votes not to retain the *deputy commissioner judge of industrial claims*, the *deputy commissioner judge* shall not be reappointed but shall remain in office until a successor is appointed and qualified. If the judicial nominating commission votes to retain the *deputy commissioner judge of industrial claims* in office, then the Governor shall reappoint said *deputy commissioner judge* for a term of 4 years.

(3) The *deputy commissioners* and the Industrial Relations Commission shall be within the Department of Labor and Employment Security under the secretary of that department. To assist the secretary in the administration of the Industrial Relations Commission and the *deputy commissioners*, there shall be created the position of Chief Commissioner/State Coordinator within the secretary's office. Such chief commissioner shall not be subject to the provisions of subsections (1), (2), (4), or (5), but shall be appointed directly by the Governor. The duties of the chief commissioner shall include, but not be limited to, the following:

(a) To be responsible for the coordination of the *deputy commissioners*, and to serve as liaison between the *deputy commissioners* and the Division of Labor of the Department of Labor and Employment Security, and between the *deputy commissioners* and the Industrial Relations Commission, and between all the aforementioned parties and the department.

(b) To serve as a liaison between the *deputy commissioners* and the division making certain that all requirements of personnel, office space, equipment, supplies, research material, law books, and court reporters are provided when needed.

(c) To determine the consensus of *deputy commissioners* as relates to matters of concern to them and to present these views to the division on behalf of the *deputy commissioners*.

(d) To arrange for exchange between the Industrial Relations Commission and the *deputy commissioners* for the purpose of promoting the workers' compensation jurisprudence and improving the system of disposition of cases at the trial and appellate levels, including, but not limited to, discussions re-

garding amendments in procedural rules, guidelines for preparation of transcripts on appeal, and dissemination of case law decisions.

(e) To arrange for exchange between the *deputy commissioners* and the Industrial Relations Commission and the division in matters of mutual interest, including, but not limited to, relations with court reporters, case load distribution, case disposition, needed changes in forms used by the *deputy commissioners*, and determination of reasons for delays in the issuing of orders.

(f) To serve as liaison with the clerk of the Industrial Relations Commission; chief commissioner, Bureau of Workers' Compensation; Workers' Compensation Section of The Florida Bar; Workers' Compensation Advisory Council; and the department.

(g) To serve as a "pro hac vice" *deputy commissioner* in the various parts of the state as determined by temporary changes in case load and as due to annual and sick leave taken.

(h) To assure a blind system of case assignment among *deputy commissioners* within the various districts, and to undertake appropriate measures to keep dockets current for both the *deputy commissioners* and the Industrial Relations Commission.

(i) To be responsible for the training and orientation of new *deputy commissioners*.

(j) Among other duties of the chief commissioner, it shall be his or her responsibility to insure that administrative matters, including hearing delays, docket scheduling, review of joint petitions after entry by the *deputy commissioners*, and all matters of case distribution, shall be effectively handled in accordance with this chapter. It shall also be the duty of the chief commissioner to report flagrant violations in these matters directly to the secretary and the Governor. In no event shall the chief commissioner, in handling these duties, interfere in any way with the quasi-judicial discretion of the Industrial Relations Commission, or the *deputy commissioners*, in the independent decisions on matters before same for decision.

(k) Any and all other matters which he or she deems necessary for the efficient handling of workers' compensation cases, including the appointments made pursuant to s. 20.17(3)-(a)2.

(4) ~~(3)~~ Each full-time *deputy commissioner judge of industrial claims* shall receive a salary of \$4,000 less per year than that paid to a full-time industrial relations commissioner, payable out of the fund established in s. 440.50. The Chief Commissioner/State Coordinator shall receive \$1,000 more per year than that of a full-time Industrial Relations Commissioner. The Secretary of Labor and Employment Security shall receive \$1,000 more per year than the chief commissioner payable out of the fund established in s. 440.50 and s. 443.10.

(5) ~~(4)~~ The Governor may appoint any attorney who has 3 years' experience in the practice of law in this state to serve as a *deputy commissioner judge of industrial claims* pro hac vice in the absence or disqualification of any full-time *deputy commissioner judge of industrial claims* or to serve upon a temporary basis as an additional *deputy commissioner judge of industrial claims* in any area of the state in which it is determined by the Governor that a need exists therefor; however, no attorney so appointed by the Governor shall serve for a period to exceed 60 successive days.

(6) ~~(5)~~ The division may delegate to its attorneys, examiners, safety representatives, field agents, inspectors, and other legal representatives such powers and authority as it may deem necessary in the administration of this chapter.

Section 25. Subsection (1) and paragraphs (a), (g), and (h) of subsection (5) of section 440.49, Florida Statutes, 1978 Supplement, are amended to read:

440.49 Rehabilitation of injured employees; Special Disability Trust Fund.—

(1) In cases in which it appears that disability probably will be permanent, the employee shall be entitled to prompt rehabilitation services. The employer and the insurance carrier or self-insurer, at their own expense, shall provide such injured employee with appropriate training and education for suitable gainful employment and may cooperate with federal and state agencies for vocational education and with any public or private agency cooperating with such federal and state agen-

cies in the vocational rehabilitation of such injured employee. If such services are not voluntarily offered or accepted, the division, upon application of the employee, employer, carrier, or self-insurer, after affording the parties an opportunity to be heard, may refer the employee to a qualified physician or facility for the evaluation of the practicality of, the need for, and the kind of service, treatment, or training necessary and appropriate to restore the employee to suitable gainful employment. Any such evaluation shall be at the expense of the employer or carrier or self-insurer. On receipt of such report, and after affording the parties an opportunity to be heard, the division may order that the service and treatment recommended in the report, or such other rehabilitative treatment or service as is deemed necessary, be provided at the expense of the employer, carrier, or self-insurer. To aid the employer, carrier, or self-insurer in their responsibilities, the division shall continuously study the issue of rehabilitation, both physical and vocational, and shall investigate and maintain a directory of all qualified rehabilitation facilities and agencies, both public and private. The employer, carrier, or self-insurer shall identify injured employees who may benefit from rehabilitation services within 1 year after the employee affected reaches maximum medical improvement. The employer, carrier, or self-insurer shall then report the employee's progress to the division at intervals prescribed by the division. ~~the division shall assist injured employees to obtain appropriate training, education and employment and may cooperate with federal and state agencies for vocational education and with any public or private agency cooperating with such federal or state agencies in the vocational rehabilitation of injured employees.~~ The division may, and it is authorized to, expend moneys from the special fund established by s. 440.50, for the purpose of assisting such injured employees to obtain appropriate training, education and employment in connection with their vocational rehabilitation. Such expenditures shall only be made in accordance with rules promulgated by the division establishing standards for eligibility and types, duration, and cost of training and educational programs to be made available. All hearings arising under this subsection shall be conducted by judges of industrial claims pursuant to s. 440.25. However, no judge of industrial claims shall assume jurisdiction to approve or disapprove rehabilitation under this provision until the division has been given reasonable time to evaluate the injured worker and advise all parties as to the rehabilitation program it may propose if said rehabilitation program is to be funded out of the fund established by s. 440.50. The division shall be a party to all hearings involving any claims made against the fund established by s. 440.50.

(5) LIMITATION OF LIABILITY FOR SUBSEQUENT INJURY THROUGH SPECIAL DISABILITY TRUST FUND.—

(a) Legislative intent.—It is the purpose of this subsection to encourage the employment of the physically handicapped by protecting employers from excess liability for compensation and medical expense when an injury to a handicapped worker merges with his preexisting permanent physical impairment to cause a greater disability than would have resulted from the injury alone. *The division shall inform all employers of the existence and function of the fund and shall interpret eligibility requirements liberally. However, this subsection shall not be construed to create or provide any benefits for injured employees or their dependents not otherwise provided by this chapter.* The entitlement of an injured employee or his dependents to compensation under this chapter shall be determined without regard to this subsection, the provisions of which shall be considered only in determining whether an employer or carrier who has paid compensation under this chapter is entitled to reimbursement from the Special Disability Trust Fund.

(g) Reimbursement of employer.—The right to reimbursement as provided in this subsection shall be barred unless written notice of claim of the right to such reimbursement is filed by the employer or carrier entitled to such reimbursement with the division at Tallahassee prior to 60 days after the order awarding the excess permanent compensation with respect to which such reimbursement is claimed becomes final or, if payment of such excess permanent compensation is made by the employer or carrier without an award, prior to 60 days after the date the first payment of excess compensation for the permanent disability was made. The notice of claim shall contain such information as the division by rule or regulation may require; and the employer or carrier claiming reimbursement shall furnish such evidence in support of the claim as the division reasonably may require. For notice of claims on the Special Disability Trust Fund filed on or after July 1, 1978,

the Special Disability Trust Fund shall, within 120 days of receipt of notice that a carrier has paid, been required to pay, or accepted liability for excess compensation, serve notice of the acceptance of the claim for reimbursement. Failure of the Special Disability Trust Fund to serve the notice shall be deemed a denial by the Special Disability Trust Fund of the claim for reimbursement. If the Special Disability Trust Fund through its representative denies or controverts the claim, the right to such reimbursement shall be barred unless an application for a hearing thereon is filed with the division at Tallahassee within 60 days after notice to the employer or carrier of such denial or controversion. When such application for a hearing is timely filed, the claim shall be heard and determined in accordance with the procedure prescribed in s. 440.25, to the extent that same is applicable, and in accordance with the ~~workers' workmen's~~ compensation rules of procedure. In such proceeding on a claim for reimbursement, the Special Disability Trust Fund shall be made the party respondent, and no findings of fact made with respect to the claim of the injured employee or the dependents for compensation, including any finding made or order entered pursuant to s. 440.20(10), shall be res judicata. The Special Disability Trust Fund shall not be joined or made a party to any controversy or dispute between an employee and the dependents and the employer or between two or more employers or carriers without the written consent of the fund. When it has been determined that an employer or carrier is entitled to reimbursement in any amount, the employer or carrier shall be reimbursed periodically every 6 months from the Special Disability Trust Fund for the compensation and medical benefits paid by the employer or carrier for which same is entitled to reimbursement, upon filing request therefor and submitting evidence of such payment in accordance with rules prescribed by the division.

(h)1. Special Disability Trust Fund.—There is established in the State Treasury a special fund to be known as the "Special Disability Trust Fund," which shall be available only for the purposes stated in this subsection, and the assets thereof shall not at any time be appropriated or diverted to any other use or purpose. The State Treasurer shall be the custodian of such fund and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be the money or property of the state. The State Treasurer is authorized to disburse moneys from such fund only when approved by the division and upon the order of the Comptroller, countersigned by the Governor. The State Treasurer shall deposit any moneys paid into such fund into such depository banks as the division may designate and is authorized to invest any portion of the fund which, in the opinion of the division, is not needed for current requirements, in the same manner and subject to all the provisions of the law with respect to the deposits of state funds by such Treasurer. All interest earned by such portion of the fund as may be invested by the State Treasurer shall be collected by him and placed to the credit of such fund.

2. Payments to Special Disability Trust Fund.—The Special Disability Trust Fund shall be maintained by annual assessments upon the insurance companies writing compensation insurance in the state and the self-insurers under this chapter, commencing with the fiscal year beginning July 1, 1963, which assessments shall become due and be paid on a quarterly basis at the same time and in addition to the assessments provided in s. 440.51. The division shall estimate annually in advance the amount necessary for the administration of this subsection and the maintenance of this fund and shall make such assessment in the manner hereinafter provided. The annual assessment shall be calculated to produce during the ensuing fiscal year an amount which when combined with that part of the balance in the fund on June 30 of the current fiscal year which is in excess of \$100,000 is equal to the sum of disbursements from the fund during the immediate past 3 calendar years. Such amount shall be prorated among the insurance companies writing compensation insurance in the state and self-insurers. The net premiums collected by the companies on ~~workers' workmen's~~ compensation premiums in this state and the amount of premiums a self-insurer would have to pay in this state if insured are the basis for computing the amount to be assessed as a percentage of net premiums. Such payments shall be made by each insurance company and self-insurer to the division for the Special Disability Trust Fund, in accordance with such regulations as the division may prescribe. The State Treasurer is hereby authorized to receive and credit to such Special Disability Trust Fund any sum or sums that may at any time be contributed to the state by the United States under any Act of Congress, or otherwise, to which the state may be or become entitled by reason of any payments made out of such fund.

Section 26. Paragraph (a) of subsection (1) of section 440.50, Florida Statutes, is amended to read:

440.50 *Workers' Workmen's Compensation Administration Trust Fund.*—

(1)(a) There is established in the State Treasury a special fund to be known as the "*Workers' Workmen's Compensation Administration Trust Fund*" for the purpose of providing for the payment of all expenses in respect to the administration of this chapter, including the vocational rehabilitation of injured employees as provided in s. 440.49 and the payments due under s. 440.15(1)(e). Such fund shall be administered by the division. The State Treasurer shall be the custodian of such funds and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be the money or property of the state.

Section 27. Subsections (5) and (8) of section 440.51, Florida Statutes, are amended to read:

440.51 Expenses of administration.—

(5) Any amount so assessed against and paid by an insurance carrier shall be allowed as a deduction against the amount of any other tax levied by the state upon the premiums, assessments or deposits for *workers' workmen's* compensation insurance on contracts or policies of said insurance carrier.

(8) The division shall assign an account number to each employer under this chapter and an account number to all insurance carriers authorized to write *workers' workmen's* compensation insurance in the state, and it shall be the duty of the division under the account number so assigned to keep the cost experience of each carrier and the cost experience of each employer under the account number so assigned by calendar and policy year as above defined.

Section 28. Subsection (2) of section 440.52, Florida Statutes, is amended to read:

440.52 Registration of insurance carriers; suspension or revocation of authority.—

(2) If the division finds after due notice and hearing, at which the insurance carrier is entitled to be heard in person or by counsel and present evidence, that the insurance carrier has repeatedly failed to comply with its obligations under this chapter, the division may request the Department of Insurance to suspend or revoke the authorization of such insurance carrier to write *workers' workmen's* compensation insurance under this chapter. Such suspension or revocation shall not affect the liability of any such insurance carrier under policies in force prior to the suspension or revocation.

Section 29. Subsections (4), (5), (6), and (7) of section 440.56, Florida Statutes, 1978 Supplement, are renumbered as subsections (6), (7), (8), and (9), respectively, and new subsections (4) and (5) are added to said section to read:

440.56 Safety rules and provisions; penalty.—

(4) All insurance carriers writing *workers' compensation* insurance in this state and all employers qualifying as self-insurers under ss. 440.38 and 440.57 must provide safety consultations to each of their policyholders no less frequently than every 2 years. All such carriers and self-insurers must report annually on their safety programs and consultations to the division in such form and at such time as the division shall prescribe.

(5) All insurance carriers and self-insurers shall be required to rebate a percentage of the annual premium to any employer who has instituted an approved safety program. The amount of such rebate shall be determined by the Department of Insurance in the case of carriers and by the division in the case of self-insurers. The division shall be responsible for approving all safety programs. The division shall aid all insurance carriers and self-insurers in establishing their safety programs by setting out guidelines in an appropriate format. In addition, the division may approve a safety program submitted to it by a carrier or self-insurer.

Section 30. Section 440.57, Florida Statutes, 1978 Supplement, is amended to read:

440.57 Pooling liabilities.—

(1) The division shall adopt rules permitting ~~The division may, under such rules and regulations as it may prescribe,~~

~~permit~~ two or more employers to enter into agreements to pool their liabilities. *The division shall also adopt rules permitting an employer to join a bona fide trade association to pool his liabilities with those of other members of the trade association under this chapter for the purpose of qualifying as self-insurers, and each employer member of such approved group shall be classified as a self-insurer as defined in this chapter. The agreement entered into under this section may provide that the pool shall be liable for 80 percent, and the employer member shall be liable for 20 percent, of the medical benefits due any employee for an injury compensable under this chapter up to the amount of \$5,000. One hundred percent of the medical benefits above \$5,000 due to an employee for one injury shall be paid by the pool. The agreement may also provide that each employer member shall be responsible for the first \$100 of medical benefits due each of its employees for each injury. The claim shall be paid by the pool, regardless of its size, which shall be reimbursed by the employer for any amounts required to be paid by the employer under the agreement.*

(2) *The division shall adopt rules:*

(a) *Requiring monetary reserves to be maintained by such self-insurers to insure their financial solvency; and*

(b) *Governing their organization and operation to assure compliance with such requirements.*

(3) *The division shall promulgate rules implementing the reserve requirements in accordance with accepted actuarial techniques.*

(4) *Any self-insurer established under this section, except for self-insurers which are state or local governmental entities, shall be required to carry reinsurance in accordance with rules promulgated by the division.*

Section 31. Section 440.58, Florida Statutes, is amended to read:

440.58 Self-insurer members; payment of delinquent premiums and assessments.—Upon petition of the trustees of the following self-insurers groups: Printing Industry Associates, Allied Gasoline Retailers Association, Florida Plumbing and Mechanical Contractors, Florida State Retailers Association, Automotive Industries of Florida, Florida Nurserymen and Growers Association, Florida Pest Control Association, Florida Wholesalers Association, Florida Electrical Contractors, Florida Home Builders, Florida Restaurant Association, and Florida Nursing Home Association, who entered into agreements with Robert F. Coleman of Florida, Inc., as servicing agent, or any other self-insurers groups similarly situated, the division shall enter its order requiring the employer members and former members of said groups liable therefor to pay all delinquent premiums and all necessary assessments, such payments to be paid to the division and by it disbursed to said trustees to be used for the payment of *workers' workmen's* compensation claims and related compensation expenses.

Section 32. Section 440.59, Florida Statutes, 1978 Supplement, is amended to read:

440.59 Risk management report.—The Division of Labor of the Department of Commerce shall complete on a quarterly basis an analysis of the previous quarter's injuries which resulted in *workers' workmen's* compensation claims. The analysis shall be broken down by risk classification, shall show for each such risk classification the frequency and severity for the various types of injury, and shall include an analysis of the causes of such injuries. The division shall distribute to each employer and self-insurer in the state covered by the *workers' workmen's* Compensation Law the data relevant to its work force. The report shall also be distributed to the insurers authorized to write *workers' workmen's* compensation insurance in the state.

Section 33. Paragraphs (a) and (b) of subsection (3) of section 20.17, Florida Statutes, 1978 Supplement, are amended to read:

20.17 Department of Commerce.—There is created a Department of Commerce.

(3)(a)1. There is created within the Department of Commerce an Industrial Relations Commission to consist of a chairman and four other members, all to be appointed by the Governor, subject to confirmation by the Senate, and all to serve full time. Each appointee shall have the qualifications

required by law for judges of the district courts of appeal. Three commissioners shall consider each case, and the concurrence of two shall be necessary to a decision.

2. The chairman may, by order filed in the records of the commission and with the approval of the Governor, appoint associate commissioners to serve as temporary members of the commission. Such appointment may be made only of a currently commissioned judge of industrial claims. This appointment shall be for such periods of time as not to cause an undue burden on the case load in the judge's jurisdiction. Each associate commissioner appointed shall receive no additional pay during the appointment except for expenses incurred in the performance of the additional duties.

3. The total salaries of all members of the commission are to be paid from the trust funds created by s. 440.50 and subsection 443.14(1). Each commissioner shall receive his salary from the funds in the same proportion in which he devotes his time to the fields of *workers' workmen's* compensation and unemployment compensation. Notwithstanding any other provisions of existing law, the commissioners shall be paid a salary equal to that paid under state law to the judges of district courts of appeal.

(b)1. The commission is vested with all authority, powers, duties, and responsibilities relating to review of orders of judges of industrial claims in *workers' workmen's* compensation proceedings under chapter 440 and the review of orders of appeals referees in unemployment compensation proceedings under chapter 443. Orders of the commission relating to *workers' workmen's* compensation under chapter 440 shall be subject to review only by petition for writ of certiorari to the Supreme Court in the manner provided in s. 440.27. Orders of the commission relating to unemployment compensation under chapter 443 shall be subject to review only by petition for writ of certiorari to the District Court of Appeal in the appellate district in which the issues involved were decided by an appeals referee, in the manner provided in paragraph 443.07(4)(e).

2. The commission, in the performance of its powers and duties under chapters 440 and 443, shall not be subject to control, supervision, or direction by the Department of Commerce.

3. The property, personnel, and appropriations related to the commission's specified authority, powers, duties, and responsibilities shall be provided to the commission by the Department of Commerce.

Section 34. Subsection (3) of section 23.127, Florida Statutes, is amended to read:

23.127 Powers, privileges, and immunities.—

(3) All of the privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, *workers' workmen's* compensation, salary, death and other benefits which apply to the activity of such officers, agents, or employees of any such agency when performing their respective functions within the territorial limits of their respective public agencies shall apply to them to the same degree, manner, and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this mutual aid agreement. The provisions of this section shall apply with equal effect to paid, volunteer, and auxiliary employees.

Section 35. Subsection (9) of section 112.075, Florida Statutes, is amended to read:

112.075 State officers and employees group insurance program.—

(9) **INSURANCE SUPPLEMENTAL TO WORKERS' WORKMEN'S COMPENSATION LAW.**—The benefits of the insurance authorized by this law shall not be in lieu of any benefits payable under chapter 440, the Florida *Workers' Workmen's* Compensation Law. The insurance authorized by this law shall not be deemed to constitute insurance to secure the benefits of chapter 440, within the meaning of s. 440.38(5).

Section 36. Subsection (2) of section 112.08, Florida Statutes, is amended to read:

112.08 Group insurance for public officers and employees; certain volunteers.—

(2) A local governmental unit may, at its discretion, provide group insurance consistent with the provisions of this section for volunteer or auxiliary firefighters, volunteer or auxiliary law enforcement agents, [or] volunteer or auxiliary ambulance or emergency service personnel within its jurisdiction. No insurance provided to volunteer personnel shall be used in the computation of *workers' workmen's* compensation benefits or in the determination of employee status for the purposes of collective bargaining.

Section 37. Section 112.13, Florida Statutes, is amended to read:

112.13 Insurance additional to *workers' workmen's* compensation.—The insurance permitted and allowed under this law shall be in addition to, and in no manner in lieu of the provisions of the Florida *Workers' Workmen's* Compensation Law.

Section 38. Paragraph (a) of subsection (2) of section 112.19, Florida Statutes, is amended to read:

112.19 Law enforcement officers, death benefits.—

(2)(a) The sum of \$20,000 shall be paid as hereinafter provided when a law enforcement officer, while under 70 years of age and while engaged in the performance of any of the duties mentioned in paragraph (c) of subsection (1), is killed or receives bodily injury which results in the loss of his life within 180 days after being received, regardless of whether he is killed or such bodily injury is inflicted upon him intentionally or accidentally, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted. Such payment shall be in addition to any *workers' workmen's* compensation or pension benefits and shall be exempt from the claims and demands of creditors of such law enforcement officer.

Section 39. Paragraph (a) of subsection (2) of section 112.191, Florida Statutes, 1978 Supplement, is amended to read:

112.191 Firemen; death benefits.—

(2)(a) The sum of \$20,000 shall be paid as hereinafter provided when a fireman, while under 70 years of age and while engaged in the performance of any of the duties mentioned in paragraph (1)(b), is killed or receives bodily injury which results in the loss of his life within 1 year after being received, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted. Such payment shall be in addition to any *workers' workmen's* compensation or pension benefits and shall be exempt from the claims and demands of creditors of such fireman.

Section 40. Subsection (1) of section 120.52, Florida Statutes, 1978 Supplement, is amended to read:

120.52 Definitions.—As used in this act:

(1) "Agency" means:

(a) The Governor in the exercise of all executive powers other than those derived from the Constitution.

(b) Each other state officer and each state department, departmental unit described in s. 20.04, commission, regional planning agency, board, district, and authority, including, but not limited to, those described in chapters 160, 163, 298, 373, 380, and 582, except any legal entity or agency created in whole or in part pursuant to chapter 361, part II.

(c) Each other unit of government in the state, including counties and municipalities to the extent they are expressly made subject to this act by general or special law or existing judicial decisions.

Neither the Industrial Relations Commission nor the judges of industrial claims shall, in the adjudication of *workers' workmen's* compensation claims, be considered an agency or part of an agency for the purposes of this act.

Section 41. Subsections (13), (14), and (17) of section 121.021, Florida Statutes, 1978 Supplement, are amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(13) "Disability in line of duty" means an injury or illness arising out of and in the actual performance of duty required

by a member's employment during his regularly scheduled working hours or irregular working hours as required by the employer. The administrator may require such proof as he deems necessary as to the time, date, and cause of any such injury or illness, including evidence from any available witnesses. *Workers' Workmen's* compensation records under the provisions of chapter 440 may also be used.

(14) "Death in line of duty" means death arising out of and in the actual performance of duty required by a member's employment during his regularly scheduled working hours or irregular working hours as required by the employer. The administrator may require such proof as he deems necessary as to the time, date, and cause of death, including evidence from any available witnesses. *Workers' Workmen's* compensation records under the provisions of chapter 440 may also be used.

(17) "Creditable service" of any member means the sum of his past service, prior service, military service, *workers' Workmen's* compensation credit, and future service allowed within the provisions of this chapter if all required contributions have been paid and all other requirements of this chapter have been met. However, in no case shall a member receive credit for more than a year's service during any 12-month period. Service as applied to a teacher or a nonacademic employee of a school board shall be based on contract years of employment or school term years of employment, as provided in chapters 122 and 238, rather than 12-month periods of employment.

Section 42. Section 121.125, Florida Statutes, is amended to read:

121.125 Credit for *workers' workmen's* compensation payments.—A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive *workers' workmen's* compensation payments for an injury or illness occurring during his employment while a member of any state retirement system shall be subject to the following provisions:

(1) If the member receives no salary payments for the period of time he receives *workers' workmen's* compensation payments, upon his return to active employment, he shall receive full retirement credit for the period for which *workers' workmen's* compensation payments were received. No employee or employer contributions shall be required in order for the member to receive retirement credit for such period. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving *workers' workmen's* compensation payments; or

(2) If the member receives partial salary for the period of time he receives *workers' workmen's* compensation payments, the required employee contributions shall be deducted from his partial salary each pay period, and, upon his return to active employment, he shall receive full retirement credit for the period for which *workers' workmen's* compensation payments were received. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving *workers' workmen's* compensation payments; or

(3) If the member is retained in full-pay status in lieu of receiving *workers' workmen's* compensation payments, the required employee contributions shall be deducted from his salary each pay period and he shall receive retirement credit for such period in the same manner he would have received credit had he not been injured or incapacitated.

Section 43. Subsection (7) of section 122.03, Florida Statutes, is amended to read:

122.03 Contributions; participants; prior service credit.—

(7) A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive *workers' workmen's* compensation payments for an injury or illness occurring during his employment while a member of any state retirement system shall be subject to the following provisions:

(a) If the member receives no salary payments for the period of time he receives *workers' workmen's* compensation payments, upon his return to active employment, he shall receive full retirement credit for the period for which *workers' workmen's* compensation payments were received. No employee or employer contributions shall be required in order for the member to receive retirement credit for such period. Such credit shall be based on the member's rate of monthly com-

pensation immediately prior to his receiving *workers' workmen's* compensation payments; or

(b) If the member receives partial salary for the period of time he receives *workers' workmen's* compensation payments, the required employee contributions shall be deducted from his partial salary each pay period, and, upon his return to active employment, he shall receive full retirement credit for the period for which *workers' workmen's* compensation payments were received. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving *workers' workmen's* compensation payments; or

(c) If the member is retained in full-pay status in lieu of receiving *workers' workmen's* compensation payments, the required employee contributions shall be deducted from his salary each pay period, and he shall receive retirement credit for such period in the same manner by which he would have received credit had he not been injured or incapacitated.

Section 44. Paragraph (c) of subsection (6) and subsections (7) and (8) of section 122.34, Florida Statutes, are amended to read:

122.34 Special provisions for certain sheriffs and full-time deputy sheriffs.—

(6)

(c) In determining the amount of pension to be received under this section, the benefits received in the form of *workers' workmen's* compensation and social security shall be considered, and the total monthly compensation shall not exceed one-half of the salary received by the deceased "high hazard" member at the time of his death. Provided, however, that should such total compensation exceed one-half of the monthly salary drawn by the deceased member at the time of his death, the pension herein provided for shall be reduced by the amount of such excess.

(7) Any "high hazard" member who becomes totally disabled as a result of occupation while in the performance of duty shall be retired and shall receive, in addition to the award made to him under the *Workers' Workmen's* Compensation Law, an annual pension payable monthly in an amount equal to not less than 45 percent of the annual salary of the member at the time of his disability, and he shall continue to receive the said pension so long as such disability exists.

(8) Any "high hazard" member who becomes partially disabled as a result of occupation while in the performance of duty shall be retired and shall receive, in addition to the award made to him under the *Workers' Workmen's* Compensation Law, an annual pension payable monthly in an amount equal to not less than 35 percent of the annual salary of the member at the time of his disability, and he shall continue to receive the said pension so long as such disability exists.

Section 45. Subsection (6) of section 123.03, Florida Statutes, is amended to read:

123.03 Transfer from other retirement systems; acceptance by nonmembers; payment of back contributions.—

(6) A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive *workers' workmen's* compensation payments for an injury or illness occurring during his employment while a member of any state retirement system shall be subject to the following provisions:

(a) If the member receives no salary payments for the period of time he receives *workers' workmen's* compensation payments, upon his return to active employment, he shall receive full retirement credit for the period for which *workers' workmen's* compensation payments were received. No employee or employer contributions shall be required in order for the member to receive retirement credit for such period. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving *workers' workmen's* compensation payments; or

(b) If the member receives partial salary for the period of time he receives *workers' workmen's* compensation payments, the required employee contributions shall be deducted from his partial salary each pay period, and, upon his return to active employment, he shall receive full retirement credit for the period for which *workers' workmen's* compensation pay-

ments were received. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving *workers' workmen's* compensation payments; or

(c) If the member is retained in full-pay status in lieu of receiving *workers' workmen's* compensation payments the required employee contributions shall be deducted from his salary each pay period and he shall receive retirement credit for such period in the same manner by which he would have received credit had he not been injured or incapacitated.

Section 46. Paragraph (a) of subsection (9) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(9)(a) All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, and all pensions and relief, disability, *workers' workmen's* compensation and other benefits which apply to the activity of officers, agency, or employees of any public agents or employees of any public agency when performing their respective functions within the territorial limits for their respective agencies shall apply to the same degree and extent to the performance of such functions and duties of such officers, agents, or employees extra-territorially under the provisions of any such interlocal agreement.

Section 47. Section 185.34, Florida Statutes, is amended to read:

185.34 Disability in line of duty.—Any condition or impairment of health of any and all police officers employed in the state caused by tuberculosis, hypertension, heart disease, or hardening of the arteries, resulting in total or partial disability or death, shall be presumed to be accidental and suffered in line of duty unless the contrary be shown by competent evidence. Any condition or impairment of health caused directly or proximately by exposure, which exposure occurred in the active performance of duty at some definite time or place without willful negligence on the part of the police officer, resulting in total or partial disability, shall be presumed to be accidental and suffered in the line of duty; provided, however, that such police officer shall have successfully passed a physical examination upon entering such service, which physical examination including electrocardiogram failed to reveal any evidence of such condition; provided further, that such presumption shall not apply to benefits payable under or granted in a policy of life insurance or disability insurance. Nothing herein shall be construed to extend or otherwise affect the provisions of chapter 440, pertaining to *workers' workmen's* compensation. All laws, including local or special laws, in conflict herewith are repealed.

Section 48. Subsection (9) of section 215.22, Florida Statutes, is amended to read:

215.22 Certain moneys and certain trust funds enumerated.—The following described moneys and trust funds, by whatever name designated, shall be those from which the deductions authorized by s. 215.20 shall be made:

(9) All income of a revenue nature deposited in the *Workers' Workmen's* Compensation Administration Trust Fund created in s. 440.50(1)(a).

The enumeration of the above moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in said s. 215.24 said money or trust fund should be exempt herefrom, as it is the purpose of this law to exempt all trust funds from its force and effect where, by the operation of this law, federal matching funds or contributions to any trust fund would be lost to the state.

Section 49. Section 231.49, Florida Statutes, is amended to read:

231.49 Provisions relating to Florida *Workers' Workmen's* Compensation Law.—Nothing contained in this chapter shall supersede any of the provisions of the Florida *Workers' Workmen's* Compensation Law; provided, however, that where amounts payable under the provisions of the school code, for injuries, accidents, or other disabilities which would entitle an employee to compensation under the provisions of said Florida *Workers' Workmen's* Compensation Law, exceed the amounts payable under the said compensation law, payments shall be made, as provided in the school code, for the difference between the amount paid under Florida *Workers' Workmen's*

Compensation Law and the amount due under the provision of the school code.

Section 50. Subsection (11) of section 238.06, Florida Statutes, is amended to read:

238.06 Membership application, creditable service and time for making contributions.—

(11) A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive *workers' workmen's* compensation payments for an injury or illness occurring during his employment while a member of any state retirement system shall be subject to the following provisions:

(a) If the member receives no salary payments for the period of time he receives *workers' workmen's* compensation payments, upon his return to active employment he shall receive full retirement credit for the period for which *workers' workmen's* compensation payments were received. No employee or employer contributions shall be required in order for the member to receive retirement credit for such period. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving *workers' workmen's* compensation payments.

(b) If the member receives partial salary for the period of time he receives *workers' workmen's* compensation payments, the required employee contributions shall be deducted from his partial salary each pay period, and, upon his return to active employment, he shall receive full retirement credit for the period for which *workers' workmen's* compensation payments were received. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving *workers' workmen's* compensation payments.

(c) If the member is retained in full-pay status in lieu of receiving *workers' workmen's* compensation payments, the required employee contributions shall be deducted from his salary each pay period, and he shall receive retirement credit for such period in the same manner he would have received credit had he not been injured or incapacitated.

Section 51. Subsection (3) of section 250.34, Florida Statutes, is amended to read:

250.34 Injury or death in active service.—

(3) After the expiration of 1 year from the date of injury or disability, such individual shall be provided hospitalization, medical services and supplies, and compensation for wages and compensation for disability based on the average weekly wages of such injured individual on pay status in the active service of the state or in his civilian occupation or employment, whichever is greater, in amounts provided under chapter 440 [F. S. 1973], as if such individual were covered under the Florida *Workers' Workmen's* Compensation Law, except that payments made during the first year after such injury shall not be duplicated after the expiration of that year.

Section 52. Section 284.30, Florida Statutes, is amended to read:

284.30 Florida Casualty Insurance Risk Management Trust Fund; coverages to be provided.—There is hereby created a Florida Casualty Insurance Risk Management Trust Fund to provide insurance, as authorized by s. 284.33, for *workers' workmen's* compensation, general liability, and fleet automotive liability insurance coverages.

Section 53. Section 284.31, Florida Statutes, is amended to read:

284.31 Scope and types of coverages; separate accounts.—The insurance risk management trust fund shall, unless specifically excluded by the Department of Insurance, cover all departments of the State of Florida and their employees and agents and other authorized persons, and shall provide separate accounts for *workers' workmen's* compensation, general liability, and fleet automotive liability insurance coverages. All departments of the state shall be covered by the fund unless specifically excluded by the Department of Insurance.

Section 54. Section 284.36, Florida Statutes, is amended to read:

284.36 Appropriation deposits; premium payment.—During the period beginning July 1, 1972, and ending June 30, 1973, the Department of Administration, at the request of the Treasurer, may transfer any funds appropriated in the General

Appropriation Act or other acts of the Legislature for the purpose of providing *workers' workmen's* compensation, general liability, and fleet automotive liability coverage to the Florida Casualty Insurance Risk Management Trust Fund. Future premiums as calculated on all coverages shall be billed and charged to each state agency according to coverages obtained by the fund for their benefit, and such obligations shall be paid promptly by each agency from its operating budget upon presentation of a bill therefor. After the first year of operation, premiums to be charged to all departments of the state are to be computed on a retrospective rating arrangement based upon actual losses accruing to the fund, taking into account reasonable expectations, the maintenance and stability of the fund, and the cost of insurance.

Section 55. Subsection (5) of section 321.19, Florida Statutes, is amended to read:

321.19 Computing length of service; definitions; examining committee.—

(5) A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive *workers' Workmen's* compensation payments for an injury or illness occurring during his employment while a member of any state retirement system shall be subject to the following provisions:

(a) If the member receives no salary payments for the period of time he receives *workers' Workmen's* compensation payments, upon his return to active employment, he shall receive full retirement credit for the period for which *workers' workmen's* compensation payments were received. No employee or employer contributions shall be required in order for the member to receive retirement credit for such period. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving *workers' workmen's* compensation payments; or

(b) If the member receives partial salary for the period of time he receives *workers' workmen's* compensation payments, the required employee contributions shall be deducted from his partial salary each pay period, and, upon his return to active employment, he shall receive full retirement credit for the period for which *workers' workmen's* compensation payments were received. Such credit shall be based on the member's rate of monthly compensation immediately prior to his receiving *workers' workmen's* compensation payments; or

(c) If the member is retained in full-pay status in lieu of receiving *workers' workmen's* compensation payments, the required employee contributions shall be deducted from his salary each pay period, and he shall receive retirement credit for such period in the same manner he would have received credit had he not been injured or incapacitated.

Section 56. Subsection (2) of section 321.20, Florida Statutes, is amended to read:

321.20 Retirement pay; basis.—

(2) Any member who has been retired because of total disability shall receive, in addition to the award made to him under the Florida *workers' workmen's* compensation law, an annual pension payable monthly, of 45 percent of the annual salary of said member at the time of his disability or 45 percent of \$6,000 whichever is greater, and he shall continue to receive the said pension payment so long as such total disability exists. Any member who has been retired because of partial disability shall receive in addition to the award made to him under the Florida *Workers' Workmen's* Compensation Law, an annual pension, payable monthly, of 35 percent of the annual salary of said member at the time of his disability, and he shall continue to receive the said pension payment so long as such partial disability exists. The department may require such member to submit to a medical examination from time to time by a doctor selected by the department, and if the examination discloses that such member is no longer disabled, such member may be ordered by the department to return to active duty with the same rank and salary that he had at the time of disability. Any such retired member who shall fail to return to duty following such order shall forfeit all rights and claims under this law.

Section 57. Subsection (4) of section 321.221, Florida Statutes, is amended to read:

321.221 Pensions, wives of deceased patrolmen.—

(4) In determining the amount of pension to be received under this section, the benefits received in the form of *work-*

ers' workmen's compensation and/or social security shall be considered and the total monthly compensation shall not exceed one-half of the salary received by the deceased patrolman at the time of his death. Provided, however, that should such total compensation exceed one-half of the monthly salary drawn by the deceased patrolman at the time of his death, the pension herein provided for shall be reduced by the amount of such excess.

Section 58. Paragraph (d) of subsection (1) of section 409.255, Florida Statutes, is amended to read:

409.255 Aid to families with dependent children; father unemployed.—

(1) When a father who provides the major support of the child from his earnings is unemployed, the family shall be eligible for assistance provided the parent:

(d) Is not receiving *workers' workmen's* compensation payments in an amount which meets the needs of the family.

Section 59. Subsection (3) of section 443.06, Florida Statutes, 1978 Supplement, is amended to read:

443.06 Disqualification for benefits.—An individual shall be disqualified for benefits.

(3) For any week with respect to which he is receiving or has received remuneration in the form of:

(a) Wages in lieu of notice;

(b)1. Compensation for temporary partial disability, temporary total disability or permanent total disability under the *workers' workmen's* compensation law of any state or under a similar law of the United States.

2. Provided, that if the remuneration referred to in paragraphs (a) and (b) of this subsection is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

Section 60. Subsection (7) of section 443.12, Florida Statutes, 1978 Supplement, is amended to read:

443.12 Division and board; powers, duties, etc.; rules and regulations; personnel; advisory councils; records and reports; cooperation, etc.—

(7) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing such information as the division may prescribe. Such records shall be open to inspection and be subject to being copied by the division at any reasonable time and as often as may be necessary. The division or an appeals referee may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, deemed necessary for the effective administration of this chapter. Information thus obtained, or obtained from any individual pursuant to the administration of this chapter, shall, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a *workers' workmen's* compensation claim pending, be held confidential and shall not be published or be open to public inspection (other than to public employees in the performance of their public duties), in any manner revealing the individual's or employing unit's identity, but any claimant (or his legal representative) at a hearing before an appeals referee or the board shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee or member of the board or any employee of the division who violates any provision of this subsection shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Provided, however, the division may furnish to any employer copies of any report previously submitted by such employer, upon the request of such employer, and the division is authorized to charge therefor such reasonable fee as the division may by regulations prescribe not to exceed the actual reasonable cost of the preparation of such copies. Fees received by the division of copies as herein provided shall be deposited to the credit of the Employment Security Administration Trust Fund.

Section 61. Paragraph (d) of subsection (4) of section 443.15, Florida Statutes, 1978 Supplement, is amended to read:

443.15 Collection of contributions.—

(4) MISCELLANEOUS PROVISIONS FOR ENFORCEMENT OF COLLECTION OF CONTRIBUTIONS.—

(d) Civil actions brought under this chapter to collect contributions and interest thereon, or any proceeding had herein for the collection of contributions from an employer shall be heard by the court having jurisdiction thereof at the earliest possible date, and shall be entitled to preference upon the calendar of said court over all other civil actions except petitions for judicial review of claims for benefits arising under this chapter and cases arising under the *Workers' Workmen's Compensation Law* of this state.

Section 62. Subsection (5) of section 520.73, Florida Statutes, is amended to read:

520.73 Contract form.—

(5) The home improvement contract shall state whether *workers' workmen's* compensation and public liability insurance are carried by the home improvement contractor and if they are applicable to the work to be performed under the contract or if the home improvement contractor is qualified as a self-insurer.

Section 63. Subsection (7) of section 520.90, Florida Statutes, is amended to read:

520.90 Prohibited acts.—The following acts are prohibited:

(7) Willful or deliberate disregard and violation of the building laws of this state or of any political subdivision or of the safety, labor, or *workers' workmen's* compensation insurance laws of this state.

Section 64. Subsection (6) of section 553.19, Florida Statutes, 1978 Supplement, is amended to read:

553.19 Adoption of electrical standards.—For the purpose of establishing minimum electrical standards in this state, the following standards are adopted:

(6) The minimum standards for grounding of portable electrical equipment, chapter 8C-27 as recommended by the Industrial Standards Section, *Division Bureau* of *Workers' Workmen's* Compensation, *Division of Labor*, Department of Commerce.

Section 65. Section 562.132, Florida Statutes, 1978 Supplement, as created by chapter 78-443, Laws of Florida, is hereby repealed.

Section 66. Subsection (1) and paragraphs (a) and (b) of subsection (3) of section 624.435, Florida Statutes, 1978 Supplement, are amended to read:

624.435 Reports of information by *workers' workmen's* compensation insurers required.—

(1) Any insurer authorized to write a policy of *workers' workmen's* compensation insurance or self-insurer shall transmit the following information to the department each year with the annual report of such insurer, and such information shall be reported on a net basis with respect to reinsurance for nationwide experience and on a direct basis with respect to reinsurance for Florida experience broken down by its nationwide and Florida insurance writings:

- (a) ~~Direct~~ Premiums written;
- (b) ~~Direct~~ Premiums earned;
- (c) Dividends paid or credited to policyholders;
- (d) Losses paid;
- (e) Allocated loss adjustment expenses;
- (f) The ratio of allocated loss adjustment expenses to losses paid;
- (g) Unallocated loss adjustment expenses;
- (h) The ratio of unallocated loss adjustment expenses to losses paid;
- (i) The total of losses paid and unallocated and allocated loss adjustment expenses;
- (j) The ratio of losses paid and unallocated and allocated loss adjustment expenses to premiums earned;

(k) The number of claims outstanding as of December 31 of each year;

(l) The total amount of losses unpaid as of December 31 of each year;

(m) The total amount of allocated and unallocated loss adjustment expenses unpaid as of December 31 of each year; and

(n) The total of losses paid and allocated loss adjustment expenses and unallocated loss adjustment expenses, plus the total of losses unpaid as of December 31 of each year and loss adjustment expenses unpaid as of December 31 of each year.

(3)(a) The first report of this information shall include the information for the year ending December 31, 1978, and shall be filed no later than June 1, 1979. Reports for subsequent years shall be due by April 1 of the following year. All reports shall be on a calendar accident year basis and such that each calendar year shall be reported at 8 stages of development. ~~Let 6 months for the year ending December 31, 1978. Such report shall be filed no later than March 1, 1979. Beginning with the report for the period ending December 31, 1980, all future reports shall have all information required by subsection (1) broken down by year for the current and 2 preceding years.~~

(b) Within 30 days after March 1, 1980, the Department of Insurance shall commence a review of the rates of all *workers' workmen's* compensation insurers in effect at the time. If, after the review, the department finds on a preliminary basis that the rate may be excessive, inadequate, or unfairly discriminatory, the department shall so notify the insurer. Upon being so notified, the filer shall within 60 days file with the department all information which the filer believes proves the reasonableness, adequacy, and fairness of the rate. In such instances, the filer shall carry the burden of proof. In the event the department finds that a rate is excessive, inadequate, or unfairly discriminatory, the department may order that a new rate schedule be thereafter filed by the filer and may further specify the manner in which noncompliance shall be corrected.

Section 67. Subsection (1) of section 624.602, Florida Statutes, is amended to read:

624.602 "Life insurance," "life insurer" defined.—

(1) "Life insurance" is insurance of human lives. The transaction of life insurance includes also the granting of annuity contracts, the granting of endowment benefits, additional benefits in event of death or dismemberment by accident or accidental means, additional benefits in event of the insured's disability, and optional modes of settlement of proceeds of life insurance. Life insurance does not include *workers' workmen's* compensation coverages.

Section 68. Section 624.603, Florida Statutes, is amended to read:

624.603 "Disability insurance" defined.—"Disability insurance," also known as "health insurance," is insurance of human beings against bodily injury, disablement or death by accident or accidental means, or the expense thereof, or against disablement or expense resulting from sickness, and every insurance appertaining thereto. Disability insurance does not include *workers' workmen's* compensation coverages.

Section 69. Paragraph (c) of subsection (1) of section 624.605, Florida Statutes, is amended to read:

624.605 "Casualty insurance" defined.—

(1) "Casualty insurance" includes:

(c) *Workers' Workmen's* compensation and employer's liability.—Insurance of the obligations accepted by, imposed upon, or assumed by employers under law for death, disablement, or injury of employees.

Section 70. Subsection (7) of section 624.609, Florida Statutes, is amended to read:

624.609 Limit of risk.—

(7) This section shall not apply to life insurance, disability insurance, annuity contracts, title insurance, insurance of wet marine and transportation insurance risks, *workers' workmen's* compensation insurance, employers' liability coverages, nor to

any policy or type of coverage as to which the maximum possible loss to the insurer is not readily ascertainable on issuance of the policy.

Section 71. Subsections (3) and (4) of section 625.091, Florida Statutes, are amended to read:

625.091 Loss reserves, liability insurance and *workers' compensation*.—Where called for by the form of annual statement required of the insurer, the reserve for outstanding losses under insurance against loss or damage from accident to or injuries suffered by an employee or other person and for which the insured is liable, shall be computed as follows:

(3) For all *workers' compensation* claims under policies written more than 3 years prior to the date as of which the statement is made, the reserve shall be the present value at 4 percent interest of the determined and the estimated future payments.

(4) For all *workers' compensation* claims under policies written in the 3 years immediately preceding the date as of which the statement is made, such reserve shall be 65 percent of the earned compensation premiums of each of such 3 years, less all loss and loss expense payments made in connection with such claims under policies written in the corresponding years. But in any event in the case of the first year of any such 3-year period, such reserve shall be not less than the present value at 4 percent interest of the determined and the estimated unpaid compensation claims under policies written during such year.

Section 72. Paragraph (k) of subsection (3) of section 626.221, Florida Statutes, is amended to read:

626.221 Examination required; exemptions.—

(3) Except, that no such examination shall be necessary in the following cases:

(k) A person who has been licensed by the department as a company employee adjuster for automobile physical damage, fire, and allied lines including marine, casualty, *workers' compensation*, boiler and machinery or any combination thereof, may be licensed as a company employee adjuster without additional written examination, if his application for license is filed with the department within 24 months next following date of cancellation or expiration of the prior license.

Section 73. Paragraph (d) of subsection (7) of section 626.241, Florida Statutes, is amended to read:

626.241 Scope of examination.—

(7) Examinations given applicants for license as a company employee adjuster shall cover adjusting in all lines of insurance, other than life, annuity, and disability; or, in accordance with the application for the license, the examination may be limited to adjusting in:

(d) *Workers' compensation*,

Section 74. Paragraph (a) of subsection (4) of section 626.741, Florida Statutes, is amended to read:

626.741 Nonresident agents; licensing and restrictions.—

(4)(a) All insurance policies as defined in s. 627.402, written under the nonresident agent's license, including those written or issued pursuant to the Surplus Lines Law, part VI, on risks or property located in this state must be countersigned by a local agent resident of this state; and it shall be the duty and responsibility of the nonresident agent, and, if called upon to do so by the countersigning agent, of the insurer likewise, to assure that such resident local agent receives the same commission as allowed by the state of residence of the nonresident agent, but in no event shall the resident local agent receive, accept, or retain less than 50 percent of the usual Florida local agent's commission, or 50 percent of the nonresident agent's commission, whichever is less, on policies of insurance covering property as defined in s. 624.604 and insurance covering in whole or in part real property and tangible personal property, including property floater policies. On all other policies of insurance, including insurance covering motor vehicles, plate glass, burglary, robbery, theft, larceny, boiler and machinery, *workers' compensation*, fidelity and surety, bodily injury liability, and property damage liability, in no event shall he re-

ceive, accept, or retain less than 25 percent of the usual Florida local agent's commission or 25 percent of the nonresident agent's commission, whichever is less.

Section 75. Paragraph (d) of subsection (1) of section 626.869, Florida Statutes, is amended to read:

626.869 License, permit classes; company employee adjusters, claims investigators.—

(1) An applicant for license as a company employee adjuster or claims investigator licensed to represent such an adjuster may qualify as to, and his license or permit when issued may be limited to cover adjusting in, any one of the following classes of insurance or combinations thereof:

(d) *Workers' compensation*;

Section 76. Paragraph (d) of subsection (1) of section 626.916, Florida Statutes, is amended to read:

626.916 Eligibility for export.—

(1) No insurance coverage shall be eligible for export unless it meets all of the following conditions:

(d) Except as to extended coverage in connection with fire insurance policies and except as to windstorm insurance, the policy or contract under which the insurance is exported shall not provide for deductible amounts, in determining the existence or extent of the insurer's liability, other than those available under similar policies or contracts in actual and current use by one or more authorized insurers. This paragraph shall not apply with respect to *workers' compensation* self-insurance qualified as such under chapter 440.

Section 77. Paragraph (c) of subsection (2) of section 627.021, Florida Statutes, is amended to read:

627.021 Scope of part I.—

(2) This chapter does not apply to:

(c) Insurance against loss of or damage to aircraft, their hulls, accessories or equipment, or against liability, other than *workers' compensation* and employer's liability, arising out of the ownership, maintenance or use of aircraft.

Section 78. Subsection (2) of section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

(2) As to all such classes of insurance, other than *workers' compensation*, employer's liability insurance and motor vehicle insurance:

(a) No rate shall be held to be excessive unless:

1. Such rate is unreasonably high for the insurance provided, and

2. A reasonable degree of competition does not exist in the area with respect to the classification to which the rate is applicable.

(b) No rate shall be held to be inadequate unless:

1. The rate is unreasonably low for the insurance provided, and

2. The continued use of the rate endangers the solvency of the insurer using the same, or unless

3. The rate is unreasonably low for the insurance provided, and the use of the rate by the insurer using the same has, or if continued will have, the effect of destroying competition or of creating a monopoly.

(c) A rate shall be deemed excessive if, among other things, the rate structure established by a stock insurance company provides for replenishment of surpluses from premiums, when such replenishment is attributable to investment losses.

(d) This subsection shall not apply to motor vehicle insurance as defined in s. 627.063.

Section 79. Subsection (4) is added to section 627.072, Florida Statutes, to read:

627.072 Making and use of rates.—

(4)(a) In the case of workers' compensation and employer's liability insurance, the Department of Insurance shall consider utilizing the following methodology in rate determinations. Premiums, expenses, and expected claim costs would be discounted to a common point of time (such as the initial point of a policy year) in the determination of rates. The cash flow pattern of premiums, expenses, and claim costs would be determined initially by using data from eight to ten of the largest insurers writing workers' compensation insurance in the state. Such insurers may be selected for their statistical ability to report the data on an accident year basis and in accordance with paragraph (b)1., 2., and 3., for at least 2 and one-half years. Such a cash flow pattern would be modified when necessary in accordance with the data and whenever a radical change in the payout pattern is expected in the policy year under consideration.

(b) If the methodology set forth in paragraph (a) is utilized, to facilitate the determination of such a cash flow pattern methodology:

1. Each insurer shall include in its statistical reporting to the rating bureau and the department the accident year by calendar quarter data for paid claim costs; and

2. Each insurer shall submit financial reports to the rating bureau and the department which shall include total incurred claim amounts and paid claim amounts by policy year and by injury types as of December 31 of each calendar year; and

3. Each insurer shall submit to the rating bureau and the department paid premium data on an individual risk basis where risks are to be subdivided by premium size as follows:

Number of Risks in Premium Range	Standard Premium Size
[to be filled in by carrier]	\$ 300— 999
	1,000— 4,999
	5,000—49,999
	50,000—99,999
	100,000 +

Total:

4. Each insurer which does not have the capability of reporting in accordance with such paragraphs 1., 2., and 3. shall be required to commence such reporting procedures as of January 1, 1980.

(c) The Insurance Commissioner is directed to consider using the methodology specified in paragraph (a) prior to March 31, 1980, and in the event he decides not to use this methodology, he shall report such decision and his reasons therefor to the committees of substance in the area of insurance in each house of the Legislature by March 31, 1980.

Section 80. Subsection (1) of section 627.091, Florida Statutes, 1978 Supplement, is amended, and subsections (6) and (7) are added to said section, to read:

627.091 Rate filings; ~~workers' workmen's~~ compensation and employer's liability insurances.—

(1) As to ~~workers' workmen's~~ compensation and employer's liability insurances, every insurer shall file with the department every manual of classifications, rules, and rates, every rating plan, and every modification of any of the foregoing which it proposes to use. Every insurer is authorized to include deductible provisions in its manual of classifications, rules, and rates. Such deductibles shall in all cases be in a form and manner which is consistent with the underlying purpose of chapter 440.

(6) Whenever the committee of a recognized rating organization with responsibility for worker's compensation rates in Florida meets to discuss the necessity for rate increases or decreases, the determination of rates, the rates to be requested, and any other matters pertaining to such rates, such meetings shall be held in Florida and shall be subject to s. 286.011, the Florida Government in the Sunshine Law. The committee of such a rating organization shall provide 6 weeks' notice to

the department. The department shall provide at least 3 weeks' notice to the public of such meetings.

(7) Commissions paid to insurance agents for the sale of workers' compensation insurance shall not exceed the following:

(a) Fifteen percent on the portion of premium less than \$500.

(b) Ten percent on the portion of premium between and including \$500 and \$1,500.

(c) Seven and one-half percent on the portion of premium exceeding \$1,500.

Section 81. Section 627.092, Florida Statutes, 1978 Supplement, is amended to read:

627.092 Workers' ~~Workmen's~~ Compensation Administrator.—There is created within the Division of Insurance Company Regulation of the Department of Insurance the position of Workers' ~~Workmen's~~ Compensation Administrator to monitor carrier practices in the field of workers' ~~workmen's~~ compensation.

Section 82. Section 627.093, Florida Statutes, is created to read:

627.093 Application of Florida "Government in the Sunshine Law" to workers' compensation and employer's liability insurance.—Section 286.011 shall be applicable to every rate filing, approval or disapproval of filing, rating deviation upon filing, or appeal from any of these regarding workers' compensation and employer's liability insurance.

Section 83. Section 627.096, Florida Statutes, is created to read:

627.096 Workers' Compensation Rating Bureau.—

(1) There is created within the Department of Insurance a Workers' Compensation Rating Bureau which shall make an investigation and study of all insurance companies authorized to issue workers' compensation and employer's liability coverage in this state. Such bureau shall study the date, statistics, schedules, or other information as it may deem necessary to assist and advise the department in its review of filings made by or on behalf of workers' compensation and employer's liability insurers. The department shall have the authority to promulgate rules requiring all workers' compensation and employer's liability insurers to submit to the rating bureau any data, statistics, schedules, and other information deemed necessary to the rating bureau's study and advisement.

(2) The Department of General Services' acquisition of data processing software, hardware, and services necessary to carry out the provisions of this act for the Treasurer's Management Information Center of the Department of Insurance shall be exempt from the provisions of chapter 287, part I.

Section 84. Subsections (1), (2), and (3) of section 627.101, Florida Statutes, 1978 Supplement, are amended to read:

627.101 When filing becomes effective; ~~workers' workmen's~~ compensation and employer's liability insurances.—

(1) The department shall review filings as to ~~workers' workmen's~~ compensation and employer's liability insurance as soon as reasonably possible after they have been made in order to determine whether they meet the applicable requirements of this part. If the department determines that part of a rate filing does not meet the applicable requirements of this part, it may reject so much of the filing as does not meet these requirements, and approve the remainder of the filing.

(2) Within 15 days after the date of the filing, together with any additional information, if any, in support of the filing which has been requested by the department under s. 627.091-(2), has been received by the department, the department shall place the filing and its supporting information on file in its office for public inspection, and give notice thereof to the insurer or rating organization that made the filing. ~~Prior to being so placed on file for public inspection the filing shall be deemed a privileged communication not open to public inspection, but this provision shall not be deemed to prohibit any insurer or rating organization from discussing, or require any~~

such insurer or rating organization to discuss, with any person or organization any filing which it proposes to make or has made with the department.

(3) A filing which the department has placed on file for public inspection as provided in subsection (2) shall so remain on file for 15 days (counting such filing date as the first day of such public inspection period), and shall not be approved, disapproved, or become effective during such 15-day period except after a public hearing. *After the 15-day public inspection period, the department shall specifically approve the filing before it becomes effective if not theretofore approved or disapproved after a public hearing thereon, or affirmatively approved or disapproved by the department on the 16th day after the filing was so placed on file for public inspection, the filing shall become effective as at 12:01 a.m. on such 16th day, unless within such 15-day period the department has concluded it to be in the public interest to hold a public hearing to determine whether the filing meets the requirements of this chapter, and given notice of such hearing to the insurer or rating organization that made the filing, and in which case the effectiveness of the filing shall be subject to the further order of the department made as provided in s. 627.111. If after the 15-day public inspection period the department specifically disapproves the filing, the provisions of subsection (5) shall apply.*

Section 85. Section 627.141, Florida Statutes, 1978 Supplement, is amended to read:

627.141 Subsequent disapproval of filing; *workers' workmen's* compensation and employer's liability insurances.—If at any time after a filing has been approved by it or has otherwise become effective the department finds that the filing no longer meets the requirements of this chapter, it shall issue an order specifying in what respects it finds that such filing fails to meet such requirements and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. The order shall not affect any insurance contract or policy made or issued prior to the expiration of the period set forth in the order.

Section 86. Section 627.151, Florida Statutes, is amended to read:

627.151 Basis of approval or disapproval of *workers' workmen's* compensation or employer's liability insurances filing; scope of disapproval power.—

(1) In determining at any time whether to approve or disapprove a filing as to *workers' workmen's* compensation or employer's liability insurances, or to permit the filing otherwise to become effective, the department shall give consideration only to the applicable standards and factors referred to in ss. 627.062 and 627.072.

(2) As to *workers' workmen's* compensation and employer's liability insurances, no manual of classifications, rule, rating plan, rating system, plan of operation, or any modification of any of the foregoing which establishes standards for measuring variations in hazards or expense provisions, or both, shall be disapproved if the rates thereby produced meet the applicable requirements of this part.

Section 87. Section 627.191, Florida Statutes, is amended to read:

627.191 Adherence to filings; *workers' workmen's* compensation and employer's liability insurances.—No insurer or employee thereof, and no agent shall make or issue a contract or policy of *workers' workmen's* compensation or employer's liability insurance except in accordance with the filings which are in effect for such insurer, as provided in the applicable provisions of this part, or in accordance with s. 627.171 (excess rates) of this code.

Section 88. Subsection (1) of section 627.211, Florida Statutes, 1978 Supplement, is amended to read:

627.211 Deviations; *workers' workmen's* compensation and employer's liability insurances.—

(1) Every member or subscriber to a rating organization shall, as to *workers' workmen's* compensation or employer's liability insurance, adhere to the filings made on its behalf by such organization; except that any such insurer may make written application to the department for permission to file a uniform percentage decrease or increase to be applied to the

premiums produced by the rating system so filed for a kind of insurance, for a class of insurance which is found by the department to be a proper rating unit for the application of such uniform percentage decrease or increase, or for a subdivision of *workers' workmen's* compensation or employer's liability insurance:

(a) Comprised of a group of manual classifications which is treated as a separate unit for ratemaking purposes, or

(b) For which separate expense provisions are included in the filings of the rating organization.

Such application shall specify the basis for the modification and shall be accompanied by the data upon which the applicant relies. A copy of the application and data shall be sent simultaneously to the rating organization.

Section 89. Section 627.215, Florida Statutes, is created to read:

627.215 Excessive profits for Workers' Compensation and employer's liability insurance prohibited.—

(1) Each insurer group shall file with the department prior to July 1 of each year, on a form prescribed by the department, the following data for workers' compensation and employer's liability insurance:

(a) Calendar year earned premium.

(b) Accident year incurred losses and loss adjustment expenses.

(c) The administrative and selling expenses incurred in Florida or allocated to Florida for the calendar year.

(d) Policyholder dividends applicable to the calendar year.

The data filed for the group shall be a consolidation of the data of the individual insurers of the group.

(2)(a) Excessive profit has been realized if underwriting gain plus investment income generated by reserves is greater than the anticipated underwriting profit plus 5 percent of earned premiums for the 3 most recent calendar years.

(b) As used in this section with respect to any 3-year period, "anticipated underwriting profit" means the sum of the dollar amounts obtained by multiplying, for each rate filing of the insurer group in effect during such period, the earned premiums applicable to such rate filing during such period by the percentage factor included in such rate filing for profit and contingencies, such percentage factor having been determined with due recognition to investment income from funds generated by Florida business. Separate calculations need not be made for consecutive rate filings containing the same percentage factor for profits and contingencies.

(3) Each insurer group shall also file a schedule of Florida loss and loss adjustment experience for each of the 3 most recent accident years. The incurred losses and loss adjustment expenses shall be valued as of December 31 of the accident year, developed to an ultimate basis, and at two 12-month intervals thereafter, each developed to an ultimate basis, so that a total of three evaluations will be provided for each accident year. The first year to be so reported shall be accident year 1979, so that the reporting of 3 accident years will not take place until accident years 1980 and 1981 have become available. For reporting purposes unrelated to determining excessive profits, the loss and loss-adjustment experience of each accident year shall continue to be reported until each accident year has been reported at eight stages of development.

(4) Each insurer group's underwriting gain or loss for each calendar/accident year shall be computed as follows: The sum of the accident year incurred losses and loss adjustment expenses as of December 31 of the year, developed to an ultimate basis, plus the administrative and selling expenses incurred in the calendar year, plus policyholder dividends applicable to calendar year, shall be subtracted from the calendar-year earned premium to determine the underwriting gain or loss.

(5) For the 3 most recent calendar/accident years, the underwriting gain or loss shall be compared to the anticipated underwriting profit.

(6) If the insurer group has realized an excessive profit, the department may order a return of the excessive amounts to policyholders.

(7) In determining what action should be taken if excessive profits are realized, the department shall consider the following, as they relate to Florida workers' compensation and employer's liability insurance:

(a) The underwriting profit or loss of the insurer group in prior years.

(b) The financial strength and stability of the insurer group.

(c) The loss development patterns of the insurer group.

(8) The department may excuse an insurer from complying with these reporting requirements if the volume of business written by the insurer would not justify the expense of the reporting requirement.

(9) Any excess profit of an insurance company offering workers' compensation or employer's liability insurance shall be returned to policyholders in the form of a cash refund rather than a credit toward the future purchase of insurance.

Section 90. Subsection (1) of section 627.281, Florida Statutes, 1978 Supplement, is amended to read:

627.281 Appeal from rating organization; workers' ~~workmen's~~ compensation and employer's liability insurance filings.—

(1) Any member or subscriber to a rating organization may appeal to the department from the action or decision of such rating organization in approving or rejecting any proposed change in or addition to the workers' ~~workmen's~~ compensation or employer's liability insurance filings of such rating organization, and the department shall issue an order approving the decision of such rating organization or directing it to give further consideration to such proposal. If such appeal is from the action or decision of the rating organization in rejecting a proposed addition to its filings, the department may, in the event it finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings, on behalf of its members and subscribers, in a manner consistent with its findings, within a reasonable time after the issuance of such order.

Section 91. Section 627.291, Florida Statutes, 1978 Supplement, is amended to read:

627.291 Information to be furnished insureds; appeal by insureds; workers' ~~workmen's~~ compensation and employer's liability insurances.—

(1) As to workers' ~~workmen's~~ compensation and employer's liability insurances, every rating organization and every insurer which makes its own rates shall, within a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the authorized representative of such insured, all pertinent information as to such rate.

(2) As to workers' ~~workmen's~~ compensation and employer's liability insurances, every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or rejects such request within 30 days after it is made, the applicant may proceed in the same manner as if his application had been rejected. Any party affected by the action of such rating organization or insurer on such request may, within 30 days after written notice of such action, appeal to the department, which may affirm or reverse such action.

Section 92. Subsection (4) of section 627.311, Florida Statutes, 1978 Supplement, is amended to read:

627.311 Joint underwriters and joint reinsurers.—

(4) The department may, after consultation with insurers licensed to write workers' ~~workmen's~~ compensation and employers' liability insurance in this state, approve a joint underwriting plan for the purpose of equitable apportionment or sharing of workers' ~~workmen's~~ compensation insurance or employers' liability insurance among insurers. The plan shall operate subject to the supervision of a board of governors,

the members of which shall serve for terms of 2 years, consisting of three insurers participating in the plan, including one Florida domestic insurer, three employers who purchase workers' compensation insurance, and one producing agent for the plan. The plan of operation of the joint underwriting plan shall be subject to approval by the Insurance Commissioner. In addition, the Insurance Commissioner shall review the plan of operation on an ongoing basis. The plan shall be subject to revision at the request of the Insurance Commissioner at any time. The board of governors shall designate one or more servicing carriers for the plan from the ranks of those insurers participating in the plan. Any such designation shall be subject to the approval of the Insurance Commissioner, and any such designation may be rescinded for cause by the board subject to the approval of the Insurance Commissioner or by the Insurance Commissioner if deemed appropriate in the exercise of his judgment. The plan shall take such actions as will, in the judgment of the board, encourage safety among its insureds. It shall annually report to the Department of Insurance and to the Legislature on those actions taken by it in this regard. It shall employ full-time safety consultants or engineers who will be available to advise insureds who may from time to time seek advice regarding safety procedures and to advise such insureds as may demonstrate an unreasonably high frequency of worker accidents. Each designated servicing carrier shall provide as a condition for such designation sufficient personnel to provide support for such safety management subject to coordination by the chief safety manager of the plan. In addition each designated servicing carrier shall provide personnel for claims adjustment so as to avoid undue costs due to unjust or improper claims against the plan. Such personnel shall be responsive to the requirements and policy dictates of the board of governors subject to approval by the Insurance Commissioner. In the event that no insurer is willing or able in the judgment of the Insurance Commissioner to act as a servicing carrier for the plan, then the board shall have the power to designate a manager and such staff as may in its judgment be necessary in addition to the chief safety manager and related staff to operate the plan. Designated servicing carriers shall provide policy and claims service on behalf of all other insurers participating in the plan in order to provide workers' compensation and employer's liability insurance for applicants who are in good faith entitled to but unable to purchase workers' compensation and employer's liability insurance through the voluntary insurance market at standard rates. The plan may provide for one or more designated insurers able and willing to provide policy and claims service to act on behalf of all other insurers to provide insurance for applicants who are in good faith entitled to, but unable to, procure insurance through the voluntary insurance market at standard rates. [Such plan] shall provide that the designated insurers shall issue policies of insurance and provide policyholder and claim service on behalf of all insurers for the joint underwriting association. The plan shall provide for the equitable apportionment among insurers of losses and expenses incurred. The plan is authorized to pay a commission to producing agents not to exceed 5 percent of the total premium. If the plan is adopted, all insurers authorized to write workers' ~~workmen's~~ compensation and employers' liability insurance in this state shall subscribe thereto and participate therein. The plan shall be operated as a nonprofit venture. The plan shall be divided into two subplans as follows: Subplan "A" shall provide coverage for insureds who have a demonstrated accident frequency problem, who have a measurably adverse loss ratio, or who have demonstrated an attitude of noncompliance with safety requirements and subplan "B" shall provide coverage for all other insureds of the joint underwriting plan. The methodology of applying these criteria, which shall be used to determine into which subplan an insured shall be placed, shall be determined by the Insurance Commissioner and such methodology shall be applied regardless of the number of employees or the amount of payroll of the insured. The board of governors shall establish a system of surcharges applicable to insureds covered under subplan A, subject to approval by the Insurance Commissioner. A system of surcharges applicable to insureds covered under subplan B shall not be established. Retrospective evaluation of premiums and loss and expense experience of insureds within either subplan, as well as retrospective evaluation of premiums, losses, and expense experience of each subplan, shall be performed by the board of governors according to methodology submitted by the board to, and approved by, the Insurance Commissioner. If the board of governors determines by such retrospective evaluation of a subplan that a return of a portion of premiums is in order, then such a return shall be accomplished within such subplan subject to the approval of

the Insurance Commissioner. Insurers are prohibited from assigning insureds to the Joint Underwriting Association until notification of such assignment is made to the Insurance Commissioner. Such notification shall contain the name of the principal or responsible company officer, the name and mailing address of the company, and the name, address, and telephone number of the insurance agent, if any. Such notification shall be given no later than 15 days prior to such assignment or prior to the expiration of the existing workers' compensation policy. Such notification shall be open to the general public for its inspection at the office of the Insurance Commissioner in Tallahassee.

Section 93. Paragraph (c) of subsection (3) of section 627.314, Florida Statutes, is amended to read:

627.314 Concerted action by two or more insurers.—

(3)

(c) This subsection does not apply as to workers' ~~workmen's~~ compensation and employer's liability insurances.

Section 94. Subsection (1) of section 627.601, Florida Statutes, is amended to read:

627.601 Scope of part VI.—Nothing in part VI of this chapter shall apply to or affect:

(1) Any policy of liability or workers' ~~workmen's~~ compensation insurance with or without supplementary expense coverage therein.

Section 95. Subsection (2) of section 627.622, Florida Statutes, is amended to read:

627.622 Insurance with other insurers.—(Provision of service or expense incurred basis).

(2) If the foregoing policy provision is included in a policy which also contains the policy provision set out in s. 627.623 there shall be added to the caption of the foregoing provision the phrase "—Expense Incurred Benefits." The insurer may, at its option, include in this provision a definition of "other valid coverage," approved as to form by the department, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and by hospital or medical service organizations, and to any other coverage the inclusion of which may be approved by the department. In the absence of such definition such term shall not include group insurance, automobile medical payments insurance, or coverage provided by hospital or medical service organizations or by union welfare plans or employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workers' ~~workmen's~~ compensation or employer's liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as "other valid coverage."

Section 96. Subsection (2) of section 627.623, Florida Statutes, is amended to read:

627.623 Same; other benefits.—

(2) If the foregoing policy provision is included in a policy which also contains the policy provision set out in s. 627.622, there shall be added to the caption of the foregoing provision the phrase "—Other Benefits." The insurer may, at its option, include in this provision a definition of "other valid coverage," approved as to form by the department, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and to any other coverage the inclusion of which may be approved by the department. In the absence of such definition such term shall not include group insurance, or benefits provided by union welfare plans or by employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workers' ~~workmen's~~ compensation or employer's liability statute) whether provided by a governmental agency or otherwise shall in all

cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as "other valid coverage."

Section 97. Subsection (2) of section 627.624, Florida Statutes, is amended to read:

627.624 Relation of earnings to insurance.—

(2) The foregoing policy provision may be inserted only in a policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums until at least age 50 or, in the case of a policy issued after age 44, for at least 5 years from its date of issue. The insurer may, at its option, include in this provision a definition of "valid loss of time coverage," approved as to form by the department, which definition shall be limited in subject matter to coverage provided by governmental agencies or by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, or to any other coverage the inclusion of which may be approved by the department or any combination of such coverages. In the absence of such definition such term shall not include any coverage provided for such insured pursuant to any compulsory benefit statute (including any workers' ~~workmen's~~ compensation or employer's liability statute), or benefits provided by union welfare plans or by employer or employee benefit organizations.

Section 98. Subsection (1) of section 627.727, Florida Statutes, 1978 Supplement, is amended to read:

627.727 Automobile liability insurance; uninsured vehicle coverage; insolvent insurer protection.—

(1) No automobile liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, resulting therefrom. However, the coverage required under this section shall not be applicable when, or to the extent that, any insured named in the policy shall reject the coverage. When a vehicle is leased for a period of 1 year or longer and the lessor of such vehicle, by the terms of the lease contract, provides liability coverage on the leased vehicle in a policy wherein the lessee is a named insured or on a certificate of a master policy issued to the lessor, the lessee of such vehicle shall have the sole privilege to reject uninsured motorist coverage. Unless the named insured, or lessee having the privilege of rejecting uninsured motorist coverage, requests such coverage in writing, the coverage need not be provided in or supplemental to a renewal policy when the named insured had rejected the coverage in connection with a policy previously issued to him by the same insurer. The coverage provided under this section shall be excess over, but shall not duplicate the benefits available to an insured under, any workers' ~~workmen's~~ compensation law, personal injury protection benefits, disability benefits law, or any similar law; under any automobile liability or automobile medical expense coverages; or from the owner or operator of the uninsured motor vehicle or any other person or organization jointly or severally liable together with such owner or operator for the accident. Such coverage shall not inure directly or indirectly to the benefit of any workers' ~~workmen's~~ compensation or disability benefits carrier or any person or organization qualifying as a self-insurer under any workers' ~~workmen's~~ compensation or disability benefits law or any similar law.

Section 99. Subsection (4) of section 627.736, Florida Statutes, 1978 Supplement, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority.—

(4) BENEFITS; WHEN DUE.—Benefits due from an insurer under ss. 627.730-627.741 shall be primary, except that benefits received under any workers' ~~workmen's~~ compensation law or Medicaid as provided under 42 USC 1396 et seq. shall be credited against the benefits provided by subsection (1) and shall be due and payable as loss accrues, upon receipt of reasonable proof of such loss and the amount of expenses and loss incurred which are covered by the policy issued under ss. 627.730-627.741.

(a) An insurer may require written notice to be given as soon as practicable after an accident involving a motor vehicle with respect to which the policy affords the security required by ss. 627.730-627.741.

(b) Personal injury protection insurance benefits shall be overdue if not paid within 30 days after the insurer is furnished written notice of the fact of a covered loss and of the amount of same. If such written notice is not furnished to the insurer as to the entire claim, any partial amount supported by written notice is overdue if not paid within 30 days after such written notice is furnished to the insurer. Any part or all of the remainder of the claim that is subsequently supported by written notice is overdue if not paid within 30 days after such written notice is furnished to the insurer. However, any payment shall not be deemed overdue when the insurer has reasonable proof to establish that the insurer is not responsible for the payment, notwithstanding that written notice has been furnished to the insurer. For the purpose of calculating the extent to which any benefits are overdue, payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was placed in the United States mail in a properly addressed, postpaid envelope or, if not so posted, on the date of delivery.

(c) All overdue payments shall bear simple interest at the rate of 10 percent per annum.

(d) The insurer of the owner of a motor vehicle shall pay personal injury protection benefits for:

1. Accidental bodily injury sustained in this state by the owner while occupying a motor vehicle, or while not an occupant of a self-propelled vehicle if the injury is caused by physical contact with a motor vehicle.

2. Accidental bodily injury sustained outside this state, but within the United States of America or its territories or possessions or Canada by the owner while occupying the owner's motor vehicle.

3. Accidental bodily injury sustained by a relative of the owner residing in the same household, under the circumstances described in subparagraph 1. or subparagraph 2., provided the relative at the time of the accident is domiciled in the owner's household and is not himself the owner of a motor vehicle with respect to which security is required under ss. 627.730-627.741.

4. Accidental bodily injury sustained in this state by any other person while occupying the owner's motor vehicle or, if a resident of this state, while not an occupant of a self-propelled vehicle, if the injury is caused by physical contact with such motor vehicle, provided the injured person is not himself:

a. The owner of a motor vehicle with respect to which security is required under ss. 627.730-627.741, or

b. Entitled to personal injury benefits from the insurer of the owner or owners of such a motor vehicle.

(e) If two or more insurers are liable to pay personal injury protection benefits for the same injury to any one person, the maximum payable shall be as specified in subsection (1), and any insurer paying the benefits shall be entitled to recover from each of the other insurers an equitable pro rata share of the benefits paid and expenses incurred in processing the claim.

Section 100. Paragraph (b) of subsection (1) of section 629.071, Florida Statutes, is amended to read:

629.071 Surplus funds required.—

(1) A domestic reciprocal insurer hereunder formed, if it has otherwise complied with the applicable provisions of this code, may be authorized to transact insurance if it has and thereafter maintains surplus funds as follows:

(b) To transact casualty insurance (other than *workers' workmen's* compensation), surplus funds of not less than \$200,000.

Section 101. Paragraph (a) of subsection (2) of section 631.55, Florida Statutes, is amended to read:

631.55 Creation of the association.—

(2) For the purposes of administration and assessment, the association shall be divided into four separate accounts:

(a) The *workers' workmen's* compensation insurance account;

Section 102. Paragraph (a) of subsection (1) of section 631.57, Florida Statutes, is amended to read:

631.57 Powers and duties of the association.—

(1) The association shall:

(a) Be obligated to the extent of the covered claims existing:

1. Prior to the adjudication of insolvency and arising within 30 days after the determination of insolvency;

2. Before the policy expiration date if less than 30 days after the determination; or

3. Before the insured replaces the policy or causes its cancellation, if he does so within 30 days of the determination, but such obligation shall include only that amount of each covered claim which is in excess of \$100 and is less than \$300,000, except that the association shall pay the full amount of any covered claim arising out of a *workers' workmen's* compensation policy. In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises.

Section 103. Subsection (2) of section 631.61, Florida Statutes, is amended to read:

631.61 Nonduplication of recovery.—

(2) Any person having a claim which may be recovered under more than one insurance guaranty association or its equivalent shall seek recovery first from the association of the place of residence of the insured, except that if it is a first party claim for damage to property with a permanent location, he shall seek recovery first from the association of the location of the property, and if it is a *workers' workmen's* compensation plan, he shall seek recovery first from the association of the residence of the claimant. Any recovery under this part shall be reduced by the amount of recovery from any other insurance guaranty association or its equivalent.

Section 104. Subsection (5) of section 901.25, Florida Statutes, 1978 Supplement, is amended to read:

901.25 Fresh pursuit; arrest outside jurisdiction.—

(5) The officer making an arrest on fresh pursuit shall be fully protected with respect to pension, retirement, *workers' workmen's* compensation, and other such benefits just as if he had made an arrest in his own jurisdiction.

Section 105. Subsection (5) of section 944.49, Florida Statutes, is amended to read:

944.49 Requirement of labor; compensation; amount; crediting of account of prisoner; forfeiture; civil rights; prisoner not employee or entitled to compensation insurance benefits.—

(5) Nothing in this section is intended to restore, in whole or in part, the civil rights of any prisoner. No prisoner compensated under this section shall be considered as an employee of the state or the department, nor shall such prisoner come within any other provision of the *Workers' Workmen's* Compensation Act.

Section 106. Subsection (3) is added to section 627.7372, Florida Statutes, 1978 Supplement, to read:

627.7372 Collateral sources of indemnity.—

(3) Notwithstanding any other provision of this section, benefits received under the *Workers' Compensation Act* shall not be considered a collateral source.

Section 107. Subsection (2) and paragraph (b) of subsection (5) of section 960.13, Florida Statutes, are amended to read:

960.13 Awards.—

(2) Any award shall be granted on an "actual need" basis and shall be provided subsequent to all benefits provided by primary insurance carriers, including, but not limited to, health and accident insurers, *workers' workmen's* compensation, and automobile accident coverage.

(5) Any award made pursuant to this chapter shall be reduced by the amount of any payments received or to be received by the claimant as a result of the injury or death:

(b) From any other public or private source, including an award of *workers' compensation* pursuant to chapter 440.

Section 108. Subsection (1) of section 350.061, Florida Statutes, is amended to read:

350.061 Public counsel.—

(1) The Joint Legislative Auditing Committee shall appoint a "public counsel" by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission and before rate or rule hearings of the Insurance Commissioner or the Department of Insurance for workers' compensation insurance only. The public counsel shall be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the Joint Legislative Auditing Committee, subject to annual reconfirmation by the committee. Vacancies in the office shall be filled in the same manner as the original appointment.

Section 109. Section 350.0611, Florida Statutes, is amended to read:

350.0611 Public counsel; duties and powers.—It shall be the duty of the public counsel to provide legal representation for the people of the state in proceedings before the Public Service Commission or the Insurance Commissioner or Department of Insurance regarding workers' compensation insurance ~~commission~~. The public counsel shall have such powers as are necessary to carry out the duties of his office, including, but not limited to, the following specific powers:

(1) To recommend to the Public Service Commission or the Insurance Commissioner or Department of Insurance ~~commission~~, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission or the commissioner or department and urge therein any position which he deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission or the commissioner or department, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission or the commissioner or department which shall be reviewable by summary procedure in the circuit courts of this state;

(2) To have access to and use of all files, records, and data of the commission or commissioner or department available to any other attorney representing parties in a proceeding before the commission or commissioner or department;

(3) In any proceeding in which he has participated as a party, to seek review of any determination, finding, or order of the commission or commissioner or department, or of any hearing examiner designated by the commission or the commissioner or department, in the name of the state or its citizens;

(4) To prepare and issue reports, recommendations, and proposed orders to the commission or the commissioner or department, the Governor, and the legislature on any matter or subject within the jurisdiction of the commission or the commissioner or department, and to make such recommendations as he deems appropriate for legislation relative to Public Service Commission or Department of Insurance ~~commission~~ procedures, rules, jurisdiction, personnel, and functions;

(5) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission or the commissioner or department, in the name of the state or its citizens.

Section 110. Section 350.0612, Florida Statutes, is amended to read:

350.0612 Public counsel; location.—The public counsel shall maintain his office in Leon County on the premises of the Public Service Commission ~~commission~~ or, if suitable space there cannot be provided, at such other place convenient to the offices of the commissioners as will enable him to carry out expeditiously the duties and functions of his office.

Section 111. Section 350.0613, Florida Statutes, is amended to read:

350.0613 Public counsel; employees; receipt of pleadings.—The committee may authorize the public counsel to employ clerical and technical assistants whose qualifications, duties, and responsibilities the committee shall from time to time prescribe. The committee may from time to time authorize retention of the services of additional attorneys, insurance actuaries, or experts to the extent that the best interests of the people of the state will be better served thereby, including the retention of expert witnesses and other technical personnel for participation in contested proceedings before the commission or Insurance Commissioner or Department of Insurance. The commission or Insurance Commissioner or Department of Insurance shall furnish the public counsel with copies of the initial pleadings in all proceedings before the commission or commissioner or department, and if the public counsel intervenes as a party in any proceeding he shall be served with copies of all subsequent pleadings, exhibits, and prepared testimony, if used. Upon filing notice of intervention, the public counsel shall serve all interested parties with copies of such notice and all of his subsequent pleadings and exhibits.

Section 112. The Bureau of Workmen's Compensation shall hereafter have the status of division and shall hereafter be known as the Division of Workers' Compensation as created by section 114 of this act. The Division of Statutory Revision of the Joint Legislative Management Committee shall prepare a revisor's bill to change the term "bureau" to "division" wherever it appears throughout chapter 440, Florida Statutes.

Section 113. Subsection (1) of section 20.171, Florida Statutes, 1978 Supplement, is amended to read:

20.171 Department of Labor and Employment Security.—

(1) The following divisions of the Department of Labor and Employment Security are established:

- (a) Division of Labor.
- (b) Division of Employment Security.
- (c) Division of Administrative Services.
- (d) Division of Workers' Compensation.

Section 114. If chapter 231, 520, 624, 625, or 629, Florida Statutes, or Part I, II, III, or IV of chapter 626, Florida Statutes, is repealed in accordance with the intent expressed in the Regulatory Reform Act of 1976, as amended by chapter 77-457, Laws of Florida, it is the intent of the Legislature that any portion of this act which amends a section within said chapter or part shall also be repealed on the same date as is therein provided.

Section 115. Notwithstanding the provisions of section 23 of chapter 78-300, Laws of Florida, chapter 440, Florida Statutes, cited as the "Workmen's Compensation Law" and consisting of ss. 440.01, 440.02, 440.021, 440.03, 440.04, 440.05, 440.06, 440.075, 440.09, 440.10, 440.11, 440.12, 440.13, 440.14, 440.15, 440.151, 440.152, 440.16, 440.17, 440.185, 440.19, 440.20, 440.21, 440.22, 440.23, 440.24, 440.25, 440.26, 440.27, 440.28, 440.29, 440.30, 440.31, 440.32, 440.33, 440.34, 440.35, 440.37, 440.38, 440.39, 440.40, 440.41, 440.42, 440.43, 440.44, 440.442, 440.45, 440.46, 440.47, 440.48, 440.49, 440.50, 440.51, 440.52, 440.53, 440.54, 440.55, 440.56, 440.57, 440.58, and 440.59, Florida Statutes, and Florida Statutes, 1978 Supplement, as amended by chapter 78-300, Laws of Florida, shall not stand repealed on July 1, 1979, as scheduled by such act but is hereby revised, readopted, and, to the extent herein set forth, amended.

Section 116. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 117. Upon the date that this act is approved by the Governor, rates for workers' compensation and employers' liability insurance shall be reduced by each insurer writing such coverage by not less than 10%, calculated as a percentage of the rates of such insurer in effect on June 30, 1979. There shall be no exceptions to the requirements of this provision, unless the Department of Insurance finds that the use of the revised rates will result in rates which are inadequate to the extent that the continued use of such rates jeopardizes the solvency

of the insurer. No later than 15 days following the date that this act is approved by the Governor, there shall be a rate filing pursuant to the provisions of s. 627.091, Florida Statutes, which shall establish premiums and otherwise reflect the changes enacted herein, as if this act were currently in force.

Section 118.

(1) No employer shall discharge, threaten to discharge, intimidate or coerce any employee by reason of such employee's claim for compensation or attempt to claim compensation under the Workmen's Compensation Act of Florida.

(2) Any employer who violates the provisions of this section—

(a) shall be liable for damages for any loss of wages or other benefits suffered by an employee by reason of such violation;

(b) may be enjoined from further violations of this section and ordered to provide other appropriate relief, including but not limited to the reinstatement of any employee discharged by reason of such employee's claim for compensation or attempt to claim compensation under the Workmen's Compensation Act of Florida; and

(c) shall be subject to a civil penalty of not more than \$500 for each violation as to each employee.

(3) Any individual who is reinstated to a position of employment in accordance with the provisions of this section shall be considered as having been on furlough or leave of absence during such period and shall be reinstated to his position of employment without loss of seniority and shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such individual was discharged.

(4) The employer alone and not the employer's insurance carrier shall be liable for such penalties and payments. Any provision in an insurance policy undertaking to relieve the employer from liability for such penalties and payment shall be void.

(5) In an action or proceeding under this section, the court shall award a prevailing employee who brings such action by retained counsel a reasonable attorney's fee as part of the costs. The court may award a prevailing employer a reasonable attorney's fee as part of the costs if the court determines that the action is frivolous, vexatious, or brought in bad faith.

(6) An action by an employee to enforce this section shall be brought in the Circuit Court of the county in which such employer maintains a place of business.

Section 119. This act shall take effect July 1, 1979, and shall apply to all claims for injuries arising out of accidents occurring on or after such date provided that section 117 of this act shall take effect upon approval by the Governor.

Amendment 2—On page 10 in title, line 20, after Florida; insert:

A bill to be entitled An act relating to insurance, including the Workmen's Compensation Law; amending s. 440.01, Florida Statutes, changing the title of chapter 440, Florida Statutes, to the "Workers' Compensation Law"; amending s. 440.02(1)(b), (2)(d), (7), and (8), Florida Statutes, 1978 Supplement, and adding subsections (21) and (22) thereto; bringing all private employments in which one or more employees are employed by the same employer under chapter 440, Florida Statutes; defining entertainers for independent contractor purposes; clarifying the exemption of certain volunteers and defining "division," "self-insurers," "permanent impairment," and "date of maximum medical improvement"; amending s. 440.021, Florida Statutes, relating to exemption of workers' compensation from chapter 120, Florida Statutes; amending s. 440.06, Florida Statutes, and s. 440.11(1), Florida Statutes, 1978 Supplement, deleting a reference to contributory negligence; adding a subsection to s. 440.09, Florida Statutes, relating to safety; amending s. 440.10(1), Florida Statutes, providing that the employer shall be liable for payment for services of a pharmacist; amending s. 440.12(2), Florida Statutes, 1978 Supplement; raising the maximum weekly compensation to 100 percent of the statewide average weekly wage; amending s.

440.13(1) and (3), Florida Statutes, 1978 Supplement, changing "workmen's" to "workers'" and "Commerce" to "Labor and Employment Security" and providing for utilization review of health care and services provided under chapter 440, Florida Statutes; amending s. 440.14(3), Florida Statutes, defining "seasonal employment"; amending s. 440.15(1)(a), (b), and (d), (2)(b), (3), and (5)(c), Florida Statutes, 1978 Supplement; changing the percent of average weekly wages benefit in the area of permanent total disabilities; changing the rehabilitation program time period; providing for certain rehabilitation expenses; providing impairment benefits for certain injuries resulting in permanent partial disability; requiring that the division adopt an impairment schedule; providing wage-loss benefits for all injuries resulting in permanent partial disabilities, and establishing burden of proof requirements and termination of entitlement thereto; requiring that the Division of Labor of the Department of Labor and Employment Security develop a schedule to be used in determining the existence and degree of permanent impairment; providing for apportionment of benefits where there is a preexisting and subsequent permanent physical impairment; amending s. 440.151(6), Florida Statutes, and adding subsection (7) thereto; providing provisions governing compensation for hearing loss caused by harmful noise in employment, and correcting a cross reference; amending s. 440.185(1), (2), and (4), Florida Statutes, 1978 Supplement, and adding subsection (10) thereto; modifying notice procedure; revising the employer notice of injury form; requiring the division to forward brochures to injured workers explaining the compensation system; requiring the division to contact, or attempt to contact, injured workers where the injury appears to be of a permanent nature in order to inform and assist such workers in securing benefits; requiring the injured worker to report any wages to the division; amending s. 440.19, Florida Statutes; relating to time and procedure for filing of claims for compensation; amending s. 440.20(2), (4), (5), (7), and (10), Florida Statutes, 1978 Supplement, and adding new subsections (3) and (4) and subsections (16) and (17) thereto; providing for monthly payment of wage-loss benefits; requiring the furnishing of a written explanation when a claim is controverted by an employer, carrier, or self-insurer; making penalties for late payments mandatory and punitive; prohibiting lump sum payments for medical benefits and restricting lump sum payments for compensation benefits other than medical benefits; changing "workmen's" to "workers'"; requiring the division to review files to identify general business practices of carriers and self-insurers that use questionable claims handling techniques, questionable patterns of claims, repeated unreasonable controverted claims, and poor payment practices, and to certify its findings to the Department of Insurance; providing for departmental action to halt such practices; requiring that the division publish annually a report of the promptness of payment practices; providing for the promulgation of guidelines of behavior constituting such general business practices; prohibiting the recoupment of penalties for late payment paid by carriers or self-insurers; amending s. 440.25(3)(a), (c), and (d), Florida Statutes, 1978 Supplement; providing for the maturing of claims; providing for prehearing conferences; providing requirements in applying for a hearing, including the requirement that a justifiable controversy exists; providing for the dismissal of any application for a hearing not meeting certain requirements; deleting references to awards for diminution of wage earning capacity; amending s. 440.34(1), Florida Statutes, 1978 Supplement; providing for the payment of the claimant's attorney's fees by the employer or carrier for medical benefit claims only; providing that no attorney fee be awarded based on or paid out of the proceeds of any penalty paid to the claimant for late payment; amending s. 440.38, Florida Statutes, 1978 Supplement; providing for coinsurance on all benefits; providing for a written rejection of such coinsurance; providing that the agent's commission be computed as if there were no coinsurance; requiring that self-insurers carry reinsurance at levels in accordance with rules promulgated by the division; providing for the mandatory suspension or revocation for good cause of the license of insurance carriers by the Department of Insurance upon the recommendation of the division; requiring that the division revoke the authorization of any self-insurer for good cause; requiring that carriers have claims adjusters located in Florida, either in employment or by contract, in order to write workers' compensation coverage in this state; changing "workmen's" to "workers'"; amending s. 440.39(3)(a), Florida Statutes; clarifying provisions; deleting a recording of notice of lien requirement; providing notice of suit and notice of payment of compensation benefit requirements; amending s. 440.44(2), (3), and (4), Florida Statutes, 1978 Supplement; changing "workmen's" to

"workers"; deleting language relating to the Bureau of Workers' Compensation; clarifying the role of the Division of Workers' Compensation; authorizing bureau chiefs within the division; authorizing claims examiners, telephone services, and WATS lines for the division; amending s. 440.45, Florida Statutes, 1978 Supplement; providing for deputy commissioners instead of judges of industrial claims; providing for appointment thereof; providing terms; providing for appointment of a chief commissioner; providing duties thereof; providing for salary thereof; amending s. 440.49(1) and (5)(a), Florida Statutes, 1978 Supplement, relating to rehabilitation of injured workers and the furnishing of rehabilitation services; providing procedures in the event of disputes; requiring the division to review the rehabilitation area; providing certain time limits and reporting with respect to rehabilitation; providing for the informing of employees and employers by the division of the existence and function of the Special Disability Trust Fund; adding new subsections (4) and (5) to s. 440.56, Florida Statutes, 1978 Supplement; requiring safety consultations to employers by carriers and self-insurers; requiring annual reporting to the division of safety programs and consultations of carriers and self-insurers; providing for the rebate of a percentage of premium paid to employers instituting approved safety programs by carriers and self-insurers; providing for the approval of safety programs by the division and requiring that the division aid in the establishing of such programs; providing for guidelines for safety programs; amending s. 440.57, Florida Statutes, 1978 Supplement, requiring that the division adopt rules governing group self-insurers and reserve requirements for group self-insurers; requiring the division to provide for maintenance of monetary reserves by the group self-insurers; governing the organization and operation of group self-insurers; authorizing the division to require maintenance of monetary reserves by group self-insurers; requiring that group self-insurers carry reinsurance; creating s. 440.70, Florida Statutes; establishing a State Compensation Insurance Fund; providing a structure; making financial provisions; providing that the State Treasurer shall be custodian; providing for investments; providing for audits and examinations; establishing responsibilities of insureds; providing penalties; requiring the fund to keep accounts, to report data to the Florida Compensation Rating Bureau, and to participate in the assigned risk pool; making the Sunshine Law applicable to the fund; adding subsections (6) and (7) to s. 627.091, Florida Statutes, 1978 Supplement, to provide that rating organization meetings be open and to provide limitations on the commissions paid to insurance agents in the sale of workers' compensation insurance; creating s. 627.093, Florida Statutes, providing that the Florida Sunshine Law be applicable to every rate filing, approval or disapproval, rating deviation, or appeal; creating s. 627.096, Florida Statutes; establishing a Workers' Compensation Rating Bureau within the Department of Insurance; making provisions therefor; amending s. 627.101(2) and (3), Florida Statutes, 1978 Supplement; deleting the provision relating to privileged communications; providing for specific approval by the department; adding subsection (4) to s. 627.072, Florida Statutes, providing specific factors to be considered for use in workers' compensation rate determination; creating s. 627.215, Florida Statutes, providing for refund of workers' compensation insurance excess profits and including investment gain on reserves in applying such section; amending s. 627.311(4), Florida Statutes, 1978 Supplement; requiring safety management by the workers' compensation joint underwriting plan; authorizing commissions to producing agents not to exceed 5 percent; providing for separation of insureds under the plan into two general groups based upon experience; providing for surcharges and retrospective evaluation of insureds under the plan; providing for a board of governors, a safety manager, and powers of the Insurance Commissioner; adding subsection (3) to s. 627.7372, Florida Statutes, 1978 Supplement, to provide that under the Florida Automobile Reparation Reform Act workmen's compensation is not a collateral source of indemnity; amending ss. 20.17(3)(a) and (b), 23.127(3), 112.075(9), 112.08(2), 112.13, 112.19(2)(a), 112.191(2)(a), 120.52(1), 121.021(13), (14), and (17), 121.125, 122.03(7), 122.34(6)(c), (7), and (8), 123.03(6), 163.01(9)(a), 185.34, 215.22(9), 231.49, 238.06(11), 250.34(3), 284.30, 284.31, 284.36, 321.19(5), 321.20(2), 321.221(4), 409.255(1)(d), 440.021, 440.11(2), 440.15(1)(e), 440.151(1)(a), (d), and (e), 440.185(7), 440.19(1)(e), 440.25(3)(d), (4)(b) and (c), 440.30, 440.31, 440.37(2)(f), 440.39(1), 440.49(5)(g) and (h), 440.50(1)(a), 440.51(5) and (8), 440.52(2), 440.58, 440.59, 443.06(3), 443.12(7), 443.15(4)(d), 520.73(5), 520.90(7), 553.19(6), 624.435(1) and (3)(a) and (b), 624.602(1), 624.603, 624.605(1)(c), 624.609(7), 625.091(3) and (4), 626.221(3)(k), 626.241(7)(d), 626.741(4)(a), 626.869(1)(d), 626.916(1)(d), 627.021(2)(c), 627.

062(2), 627.091(1), 627.092, 627.101(1), 627.141, 627.151, 627.191, 627.211(1), 627.281(1), 627.291, 627.311(4), 627.314(3)(c), 627.601(1), 627.622(2), 627.623(2), 627.624(2), 627.727(1), 627.736(4), 629.071(1)(b), 631.55(2)(a), 631.57(1)(a), 631.61(2), 901.25(5), 944.49(5) and 960.13(2) and (5)(b), all Florida Statutes or Florida Statutes, 1978 Supplement; providing that workers' compensation insurers submit reports, specifying contents, providing for rate review on a net and direct basis and on a calendar accident year basis; repealing s. 562.132, Florida Statutes, 1978 Supplement; adding a subsection to s. 627.7372, Florida Statutes, 1978 Supplement, relating to collateral sources of indemnity; changing the phrase "workmen's compensation" to "workers" adding a subsection to s. 627.7372, Florida Statutes, 1978 Supplement, relating to collateral sources of indemnity; changing the phrase "workmen's compensation" to "workers' compensation" throughout said sections; amending ss. 350.061(1), 350.0611, 350.0612, and 350.0613, Florida Statutes, to include representation of the people before the Insurance Commissioner or the Department of Insurance by the Office of the Public Counsel for Insurance rate or rule hearings; amending s. 20.171(1), Florida Statutes, 1978 Supplement, creating a Division of Workers' Compensation in the Department of Labor and Employment Security and changing the bureau to division status; providing for conditional repeal; revising, readopting and amending chapter 440, Florida Statutes, notwithstanding the provisions of section 23 of chapter 78-300, Laws of Florida; prohibiting the coercion of an employee by an employer because of the employee's claim for compensation; providing penalties; providing for severability; providing an effective date.

On motion by Senator Barron, further consideration of CS for SB 188 was deferred until 10:40 a.m.

SB 742—A bill to be entitled An act relating to the Water and Sewer System Regulatory Law; amending s. 367.111(1), Florida Statutes, 1978 Supplement; providing that the Public Service Commission may amend or rescind a certificate of authority to provide water or sewer service if it finds that the extension of service could only be accomplished at an unreasonable cost; providing an effective date.

—was read the second time by title.

Senator Trask presiding

The Committee on Commerce offered the following amendments which were moved by Senator Gorman and adopted:

Amendment 1—On page 1, line 21, after the word "cost" insert: and that addition of the deleted territory to that of another utility company is economical and feasible,

Amendment 2—On page 1 in title, line 9, after the semicolon insert: and that addition of the deleted territory to the territory of another utility company is economically feasible;

On motion by Senator Gorman, by two-thirds vote SB 742 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Anderson	Gorman	McClain	Thomas
Barron	Grizzle	McKnight	Trask
Carlucci	Henderson	Myers	Vogt
Chamberlin	Hill	Neal	Ware
Childers, D.	Holloway	Poole	Williamson
Childers, W. D.	Jenne	Scott	Winn
Dunn	Johnston	Spicola	
Frank	MacKay	Steinberg	
Gordon	Maxwell	Stuart	

Nays—None

Votes after roll call:

Yea—Fechtler, Hair, Peterson, Scarborough

On motion by Senator W. D. Childers, the rules were waived and SB 742 after being engrossed was ordered immediately certified to the House.

SB 743—A bill to be entitled An act relating to motor vehicle salvage; amending s. 319.30(2), (5), Florida Statutes, 1978 Supplement; requiring the return of the title to every motor

vehicle considered to be a total loss or salvage within a specified time; changing the definition of total loss; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 743 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Anderson	Grizzle	McKnight	Thomas
Barron	Hair	Myers	Tobiassen
Carlucci	Henderson	Neal	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Skinner	Winn
Frank	MacKay	Spicola	
Gordon	Maxwell	Steinberg	
Gorman	McClain	Stuart	

Nays—None

Votes after roll call:

Yea—Fechtel, Peterson

SB 744—A bill to be entitled An act relating to the Real Estate License Law; adding s. 475.25(1)(k), Florida Statutes, 1978 Supplement; providing for suspension of registration for failure to deliver auctioned real property to the highest bidder unless such auction is expressly designated as an auction with reserve; providing an effective date.

—was read the second time by title.

Senator Peterson moved the following amendments which were adopted:

Amendment 1—On page 1, lines 24-25, strike all of Section 2. and insert: *Section 2. Notwithstanding the provisions of Chapter 76-168, Laws of Florida, as amended, the provisions of s. 475.25, Florida Statutes, shall not stand repealed on July 1, 1979, but s. 475.25, Florida Statutes, as amended, is hereby revived and readopted.*

Section 3. *This act shall take effect upon becoming a law, and if it does become a law after July 1, 1979, it shall operate retroactively thereto.*

Amendment 2—On page 1 in title, line 8, strike “providing an effective date.” and insert: *reviving and readopting s. 475.25, Florida Statutes, as amended; providing a retroactive effective date.*

On motion by Senator Peterson, by two-thirds vote SB 744 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Frank	MacKay	Skinner	Williamson
Gordon	Maxwell	Spicola	Winn

Nays—1

Johnston

Vote after roll call:

Yea—Fechtel

SB 755—A bill to be entitled An act relating to sewage disposal facilities; renumbering s. 381.272(4)-(10), Florida Statutes, 1978 Supplement, and adding a new subsection (4) to said section; requiring permitting authorities to consider a share of certain easements and rights-of-way in making determinations with respect to wells and sewage disposal; amending s. 403.086(3), Florida Statutes, 1978 Supplement; exempt-

ing certain septic tanks from certain provisions relating to advanced and secondary waste treatment; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Peterson:

Amendment 1—On page 1, line 17, strike everything after the enacting clause and insert: *Section 1. Subsections (6) and (7) of Section 381.272, Florida Statutes, 1978 Supplement, are amended to read:*

381.272 Individual sewage disposal facilities; installation; conditions.—

(6) The Legislature hereby declares that it is the policy of this state to require that all individual sewage disposal systems developed under the provisions of this act shall connect to a public-owned or investor-owned sewerage system *if the health department of the county determines that there is a health hazard to the individual or the community if such connection is not made. If such a determination is made, the individual sewage disposal system shall connect to the public-owned or investor-owned sewerage system within 30 365 days after notification that such connection is necessary and a system is available.* The developer of any lot that is developed under the provisions of this act shall provide advance notice of this requirement to the purchaser of said lot.

(7) Notwithstanding any other provisions of this chapter, residential subdivisions with a public water system may utilize individual sewage disposal facilities, provided there are not more than *four two* lots per acre and that all distance and setback, soil condition, water table elevation, and other related requirements which are generally applicable to the use of individual sewage disposal systems are met.

Section 2. This act shall take effect upon becoming a law.

Senators Peterson and W. D. Childers offered the following substitute amendment which was moved by Senator Peterson and adopted:

Amendment 2—On page 1, line 17, strike everything after the enacting clause and insert: *Section 1. Subsection (7) of section 381.272, Florida Statutes, 1978 Supplement, is amended to read:*

381.272 Individual sewage disposal facilities; installation; conditions.—

(7) Notwithstanding any other provisions of this chapter, residential subdivisions with a public water system may utilize individual sewage disposal facilities, provided there are no more than *four two* lots per acre and that all distance and setback, soil condition, water table elevation, and other related requirements which are generally applicable to the use of individual sewage disposal systems are met.

Section 2. This act shall take effect upon becoming a law.

The Committee on Commerce offered the following amendment which was moved by Senator Peterson:

Amendment 3—On page 1, line 3, strike remainder of title and insert: *amending ss. 381.272(6) and (7), Florida Statutes, 1978 Supplement; requiring that an individual sewage disposal system shall connect to a public-owned or investor-owned sewerage system if the county health department determines that a health hazard exists; authorizing use of individual sewage disposal facilities provided there are no more than four lots per acre; providing an effective date.*

Senators Peterson and W. D. Childers offered the following substitute amendment which was moved by Senator Peterson and adopted:

Amendment 4—On page 1 in title, line 3, strike remainder of title and insert: *authorizing use of individual sewage disposal facilities provided there are no more than four lots per acre; providing an effective date.*

On motion by Senator Peterson, by two-thirds vote SB 755 as amended was read the third time by title, passed, ordered

engrossed and then certified to the House. The vote on passage was:

Yeas—35

Anderson	Gorman	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiasen
Childers, D.	Holloway	Peterson	Trask
Childers, W. D.	Jenne	Poole	Vogt
Dunn	Johnston	Scarborough	Ware
Fechtcl	MacKay	Scott	Williamson
Frank	Maxwell	Skinner	Winn
Gordon	McClain	Spicola	

Nays—2

Chamberlin Grizzle

Vote after roll call:

Yea—Hill

On motion by Senator W. D. Childers, the rules were waived and SB 755 after being engrossed was ordered immediately certified to the House.

SB 622—A bill to be entitled An act relating to state banks and trust companies; amending s. 659.11(2), Florida Statutes; requiring not less than 50 percent of the directors of a state bank or trust company to be United States citizens; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Jenne and adopted:

Amendment 1—On page 1, line 15, strike "50 percent" and insert: *a majority*

Amendment 2—On page 1 in title, line 4, strike "50 percent" and insert: *a majority*

On motion by Senator Jenne, by two-thirds vote SB 622 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Anderson	Gordon	Maxwell	Skinner
Barron	Gorman	McClain	Spicola
Carlucci	Grizzle	McKnight	Steinberg
Chamberlin	Hair	Myers	Stuart
Childers, D.	Henderson	Neal	Thomas
Childers, W. D.	Holloway	Peterson	Trask
Dunn	Jenne	Poole	Ware
Fechtcl	Johnston	Scarborough	Williamson
Frank	MacKay	Scott	Winn

Nays—1

Tobiasen

Votes after roll call:

Yea—Hill

Nay to Yea—Tobiasen

SB 130—A bill to be entitled An act relating to insurance; amending s. 627.702, Florida Statutes; providing that the valued policy law shall apply to mobile homes and factory-built housing against total loss by fire or lightning; providing that the exclusion for personal property under the valued policy law shall not apply to mobile homes or factory-built housing; providing an effective date.

—was read the second time by title.

Senator Fechtel moved the following amendments which were adopted:

Amendment 1—On page 1, line 24, add the following language after the word "paid": *Provided, however, coverage may be written for mobile homes as defined in s. 320.01(2) on an*

actual cash value basis, when a complete disclosure of relative cost between the actual cash value policy and the stated value policy is made to the insured on a form and format approved by the Department of Insurance. Such forms must disclose and describe the differences between the two types of policies and must be signed by the insured and copies maintained in the insurer's file and a copy made available to the insured.

Amendment 2—On page 1 in title, line 9, after the semicolon insert: *providing circumstances under which mobile homes may be insured on an actual cash value basis;*

On motion by Senator Fechtel, by two-thirds vote SB 130 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Anderson	Gorman	McKnight	Stuart
Barron	Grizzle	Myers	Thomas
Carlucci	Hair	Neal	Tobiasen
Chamberlin	Henderson	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	
Gordon	McClain	Steinberg	

Nays—None

Vote after roll call:

Yea—Hill

SB 545—A bill to be entitled An act relating to unemployment compensation; amending s. 443.08(1), Florida Statutes, 1978 Supplement; authorizing the Division of Employment Security of the Department of Labor and Employment Security to adopt rules allowing other than quarterly contributions or reporting by certain employers; providing an effective date.

—was read the second time by title.

Senator Carlucci moved the following amendments which were adopted:

Amendment 1—On page 1, line 24, after "basis" insert: *at the request of the employer*

Amendment 2—On page 1, line 27, strike the period and insert: *; provided that such interval for payment of contribution or report of wages shall not be less than quarterly.*

On motion by Senator Carlucci, by two-thirds vote SB 545 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Anderson	Gorman	McClain	Thomas
Barron	Grizzle	McKnight	Tobiasen
Carlucci	Hair	Peterson	Trask
Chamberlin	Henderson	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Skinner	Williamson
Dunn	Johnston	Spicola	Winn
Fechtcl	MacKay	Steinberg	
Frank	Maxwell	Stuart	

Nays—None

Votes after roll call:

Yea—Hill, Neal

The President presiding

SB 37—A bill to be entitled An act relating to the execution of the death penalty; amending s. 922.10, Florida Statutes; providing for execution of the death penalty by administration of a lethal chemical agent if the convicted person makes an anatomical gift; requiring the Department of Cor-

rections to adopt rules allowing pre-execution medical testing and providing for prompt disposition of donated organs or tissue; requiring the department to select the chemical agent to be used in such execution and prescribing criteria for the selection; amending s. 922.11(3), Florida Statutes; providing for the disposition of the body of a person whose death sentence was executed pursuant to this act; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole offered the following amendment which was moved by Senator Henderson:

Amendment 1—On page 1, lines 21 through 31; page 2, lines 1 through 31; and page 3, lines 1 through 9, strike all of said lines and insert: Section 1. Section 922.10, Florida Statutes, is amended to read: (Substantial rewording of section. See s. 922.10, Florida Statutes, for present text.)

922.10 Execution of death sentence.—

(1) A death sentence shall be executed by the intravenous injection of a substance or substances, the nature of which shall be determined by the Secretary of the Department of Corrections, in a lethal quantity sufficient to cause death and until the condemned is dead.

(2) The superintendent of the institution at which executions are carried out shall designate the executioner or, as the case may be, the individual to administer the intravenous injection. Anyone so designated shall not be liable either civilly or criminally for performing those acts necessary to fulfill the purpose of this section.

(3) A condemned heretofore sentenced to death by electrocution shall be so executed except that such condemned may, after the effective date of this act, request instead that his execution be caused by intravenous injection in accordance with this act. Such an option must be in writing to the superintendent of the institution where executions are carried out and must bear the condemned's notarized signature.

(4) The warrant authorizing the execution shall be read to the condemned immediately before the execution.

(5) Chapter 120, Florida Statutes, shall not be applicable to any actions taken pursuant to this act or Chapter 922, Florida Statutes.

Section 2. This act shall take effect January 1, 1980.

Senator Gordon moved the following amendment to Amendment 1 which failed:

Amendment 1A—On page 2, line 12, insert: Section 2. Subsection (1) of section 922.11, Florida Statutes, are amended to read:

922.11 Regulation of execution.—

(1) The superintendent of the state prison or a deputy designated by him shall be present at the execution. *The Governor and all members of the Cabinet also shall be present.* The superintendent shall set the day for execution within the week designated by the Governor in the warrant.

(Renumber)

Amendment 1 was adopted.

The Committee on Corrections, Probation and Parole offered the following amendment which was moved by Senator Henderson and adopted:

Amendment 2—On page 1 in title, strike all of lines 1 through 17, and insert: A bill to be entitled An act relating to the execution of death sentences in the State of Florida; amending s. 922.10, Florida Statutes; establishing intravenous injection of a lethal substance as the means of carrying out executions after the effective date of this act; denominating the superintendent of the state prison as the individual who shall designate the executioner; providing an exemption from either civil or criminal liability to the individual so designated; providing those theretofore sentenced to death by electrocution with the option of selecting intravenous injection as the means of their execution instead; requiring that such an option be exercised in writing to the superintendent of the institution where executions are carried out; providing for the reading of the warrant authorizing the execution to the condemned immediately

before the execution; exempting act from Chapter 120, Florida Statutes; providing an effective date.

On motion by Senator Henderson, by two-thirds vote SB 37 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Grizzle	McKnight	Thomas
Anderson	Hair	Myers	Tobiasen
Barron	Henderson	Peterson	Trask
Carlucci	Hill	Poole	Vogt
Chamberlin	Holloway	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Dunn	Johnston	Skinner	Winn
Fecht	MacKay	Spicola	
Frank	Maxwell	Steinberg	
Gorman	McClain	Stuart	

Nays—1

Gordon

Vote after roll call:

Yea—W. D. Childers

On motion by Senator Henderson, the rules were waived and SB 37 after being engrossed was ordered immediately certified to the House.

The Senate resumed consideration of CS for SB 188.

On motions by Senator Barron, the Senate refused to concur in the House amendments to CS for SB 188, and the House was requested to recede and in the event the House refused to recede a conference committee of five members from each house was requested. The action of the Senate was certified to the House.

Senator Don Childers moved that the Senate reconsider the vote by which the foregoing motion by Senator Barron was adopted. The motion failed.

On motion by Senator Dunn, the rules were waived and CS for SB 727 which passed April 17, after being engrossed was ordered immediately certified to the House.

SB 155—A bill to be entitled An act relating to collective bargaining; adding s. 447.203(3)(g), Florida Statutes; excluding from the definition of "public employee" those persons whose positions are funded in whole or in part pursuant to the provisions of the federal Comprehensive Employment and Training Act; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote SB 155 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Myers	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Fecht	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

Vote after roll call:

Yea—Holloway

On motion by Senator Vogt, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following resolution out of order:

INTRODUCTION

By Senator Vogt—

SR 1027—A resolution proclaiming the establishment and observance of Florida Family Energy Conservation Day.

—was read the first time by title. On motion by Senator Vogt, SR 1027 was read the second time in full and adopted.

The vote on adoption was:

Yeas—37

Mr. President	Gordon	McClain	Stuart
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Myers	Tobiassen
Carlucci	Hair	Peterson	Trask
Chamberlin	Henderson	Poole	Vogt
Childers, D.	Hill	Scarborough	Ware
Childers, W. D.	Holloway	Scott	Williamson
Dunn	Johnston	Skinner	
Fechtel	MacKay	Spicola	
Frank	Maxwell	Steinberg	

Nays—None

In addition to the original sponsor, Senators voting in the affirmative were recorded as co-introducers of SR 1027.

SPECIAL ORDER, continued

Senator Trask presiding

SB 452—A bill to be entitled An act relating to firearms; providing that a resident of Florida may purchase a rifle or shotgun in a state contiguous to Florida under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote SB 452 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Anderson	Gorman	Myers	Thomas
Barron	Grizzle	Peterson	Tobiassen
Carlucci	Hair	Poole	Trask
Chamberlin	Henderson	Scarborough	Vogt
Childers, D.	Hill	Scott	Williamson
Childers, W. D.	Holloway	Skinner	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—2

Jenne Johnston

Vote after roll call:

Yea—McKnight

On motion by Senator Tobiassen, the rules were waived and SB 452 was ordered immediately certified to the House.

By the Committee on Education and Senator Tobiassen—

CS for SB 273—A bill to be entitled An act relating to the State University System; amending s. 240.141, Florida Statutes; requiring each project or amended project which is to be funded by capital improvement trust fund fees and building fees of a state university to be approved by the appropriate university president and the respective student government association; providing an effective date.

—was read the first time by title and SB 273 was laid on the table.

On motions by Senator Tobiassen, by two-thirds vote CS for SB 273 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtel	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	
Gorman	McClain	Steinberg	

Nays—None

SB 53—A bill to be entitled An act relating to franchise disability insurance; amending s. 627.663(1), Florida Statutes; authorizing the issuance of franchise group insurance to 2 or more persons who are employees of a corporation, professional association, copartnership, or individual employer or of any governmental corporation, agency, or department; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote SB 53 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Anderson	Gorman	Maxwell	Steinberg
Barron	Grizzle	McClain	Stuart
Carlucci	Hair	McKnight	Thomas
Chamberlin	Henderson	Myers	Tobiassen
Childers, D.	Hill	Neal	Trask
Childers, W. D.	Holloway	Peterson	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Spicola	Winn

Nays—None

Vote after roll call:

Yea—Poole

SB 321—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.10(1)(e), Florida Statutes; exempting the Saint Vincent de Paul Society from certain motor vehicle license fee requirements; providing an effective date.

—was read the second time by title.

Senator Chamberlin moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 29 and 30, insert: Section 2. Section 320.0835, Florida Statutes, is created to read:

320.0835 Free motor vehicle license plate to medal of honor recipients.—

(1) Upon application, the department shall issue one free motor vehicle license number plate to any person who has been a recipient of the Congressional Medal of Honor for use on any motor vehicle owned by such person. The department shall require such proof as it deems necessary prior to the issuance of any such free license plate.

(2) The vehicle license number plate issued under this section shall be a permanent motor vehicle license plate and shall be removed upon the sale of the vehicle, but may be transferred to another vehicle owned by the medal of honor recipient in accordance with necessary rules made by the department.

(Renumber subsequent section.)

Amendment 2—On page 1 in title, between lines 2 and 3, insert: creating s. 320.0835, Florida Statutes, requiring the Department of Highway Safety and Motor Vehicles to issue a free license plate to each applicant who has been a recipient of the Congressional Medal of Honor; providing for the trans-

fer of the plate upon sale or disposition of the recipient's motor vehicle;

On motion by Senator Tobiasen, by two-thirds vote SB 321 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Anderson	Grizzle	McKnight	Thomas
Barron	Hair	Myers	Tobiasen
Carlucci	Henderson	Neal	Trask
Chamberlin	Hill	Peterson	Vogt
Childers, D.	Holloway	Poole	Ware
Childers, W. D.	Jenne	Scarborough	Williamson
Dunn	Johnston	Scott	Winn
Fecht	MacKay	Skinner	
Frank	Maxwell	Steinberg	
Gorman	McClain	Stuart	

Nays—None

Vote after roll call:

Yea—Spicola

By the Committee on Judiciary-Civil—

CS for SB 47—A bill to be entitled An act relating to juries; amending ss. 40.01, 40.015(1), 40.02, 40.07, 40.23, 40.231, 40.24, 40.29-40.35, 905.01(1) and 905.37(3), Florida Statutes; prescribing qualifications for jurors; prescribing procedures for the creation of jury districts; prescribing procedures for the selection and security of jury lists; prescribing procedures for court administrator to perform certain duties; providing for certain persons to be disqualified or excused from jury service; prescribing procedures for summoning jurors; providing for jury pools; providing for payment of jurors summoned; prescribing procedures for the estimation, requisition, apportionment, and disbursement of state funds for the payment of jurors and certain witnesses; prescribing procedures for accounting for such payments; providing for the procurement of a grand jury; prescribing qualifications for grand jurors; creating ss. 40.221, 40.225, Florida Statutes; providing procedures for drawing jury venire; providing alternative method; repealing ss. 40.03, 40.04, 40.05, Florida Statutes, relating to selection of jury lists; repealing s. 40.06, Florida Statutes, relating to the transcription and preservation of jury lists; repealing s. 40.061, Florida Statutes, requiring the addresses of persons on jury lists; repealing s. 40.08, Florida Statutes, relating to exemptions from jury duty; repealing ss. 40.09, 40.10, 40.11, 40.13, Florida Statutes, relating to jury commissioners; repealing s. 40.101, Florida Statutes, relating to means of gathering information concerning prospective jurors; repealing s. 40.20, Florida Statutes, relating to procedures to be followed if there is a deficiency of jurors; repealing s. 40.22, Florida Statutes, relating to issuance of venire; repealing s. 40.25, Florida Statutes, relating to pay of jurors in vacation; repealing s. 40.27, Florida Statutes, prescribing penalty for failure to answer summons; repealing s. 40.28, Florida Statutes, relating to penalty for failure to draw or summons jurors; repealing s. 40.36, Florida Statutes, relating to drawing of petit and grand jury venire; repealing s. 40.371, Florida Statutes, prescribing alternative selection method for drawing venire; repealing s. 40.39, Florida Statutes, relating to duties of clerk of court; repealing s. 40.40, Florida Statutes, relating to the drawing of grand jurors; repealing ss. 40.42, 40.43, Florida Statutes, which sections relate to deficiency, or excess in jury box, omissions, etc.; providing an effective date.

—was read the first time by title and SB 47 was laid on the table.

On motion by Senator Hair, by two-thirds vote CS for SB 47 was read the second time by title.

Senators Hair and Henderson offered the following amendment which was moved by Senator Hair and adopted:

Amendment 1—On page 6, line 8, after "section," insert: and in sections 40.221, 40.23, and 40.231.

Senator Hair moved the following amendments which were adopted:

Amendment 2—On page 10, strike all of lines 12 through and including line 15 and insert: ~~jurors therein~~. Persons placed in said jury pool may, when authorized by the court as an alternative to attending court, list a telephone number with the clerk of the court to which summoned, to be on call on an hour's notice.

Amendment 3—On page 3, line 3, strike "and disqualifications" and insert: ~~and disqualifications~~

Senator Dunn moved the following amendment:

Amendment 4—On page 7, line 12, strike "practicing, attorney, a practicing physician, or"

On motion by Senator Barron, the Senate proceeded to consideration of bills on—

CONSENT CALENDAR

SB 5—A bill to be entitled An act relating to motor vehicle title certificates; requiring the Department of Highway Safety and Motor Vehicles to give certain notice to persons with respect to the transfer of title to a motor vehicle; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendment which was moved by Senator Vogt:

Amendment 1—On page 1, strike all of line 11 through and including line 20 and insert: Section 1. Subsection (2) of s. 319.22, Florida Statutes, is amended to read:

319.22 Transfer of Title.—

(2) An owner or co-owner who has made a bona fide sale or transfer of a motor vehicle and has delivered possession thereof to a purchaser shall not by reason of any of the provisions of this law, be deemed the owner or co-owner of such vehicle so as to be subject to civil liability for the operation of such vehicle thereafter by another when such owner or co-owner has fulfilled either of the following requirements:

(a) When such owner or co-owner has made proper endorsement and delivery of the certificate of title as provided by this law. *Proper endorsement shall be:*

(1) *When a vehicle is registered in the names of two or more persons as co-owners in the alternative by the use of the word "or," such vehicle shall be held in joint tenancy. Each co-owner shall be deemed to have granted to the other co-owner the absolute right to dispose of the title and interest in the vehicle, and the signature of any co-owner shall constitute proper endorsement. Upon the death of a co-owner the interest of the decedent shall pass to the survivor as though title or interest in the vehicle was held in joint tenancy. This provision shall apply even if the co-owners are husband and wife.*

(2) *When a vehicle is registered in the names of two or more persons as co-owners in the conjunctive by the use of the word "and," the signature of each co-owner or his personal representative shall be required to transfer title to the vehicle. The signature of each co-owner or his personal representative shall be required only during the lifetime of the co-owners, and upon death of a co-owner title shall pass to the surviving co-owner.*

(3) *The department shall adopt suitable language to appear upon the certificate of title to effectuate the manner in which the interest in or title to the vehicle is held.*

Section 2. This act shall take effect January 1, 1980.

Senator Vogt moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 2, strike all of lines 14 through and including line 17 and insert: *transfer title to the vehicle.*

Amendment 1 as amended was adopted.

The Committee on Transportation offered the following amendment which was moved by Senator Vogt and adopted:

Amendment 2—On page 1 in title, strike all of line 3 through and including line 6 and insert: certificates; amending s. 319.22

(2), Florida Statutes, providing for the method of endorsement of the certificate of title among co-owners of a vehicle; providing that the certificate of title state the manner in which title to the vehicle is held; providing

On motion by Senator Vogt, by two-thirds vote SB 5 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Anderson	Gordon	Maxwell	Steinberg
Barron	Gorman	McClain	Stuart
Carlucci	Grizzle	McKnight	Thomas
Chamberlin	Hair	Myers	Tobiasen
Childers, D.	Henderson	Peterson	Trask
Childers, W. D.	Hill	Poole	Vogt
Dunn	Jenne	Scott	Ware
Fechtcl	Johnston	Skinner	Winn
Frank	MacKay	Spicola	

Nays—None

Vote after roll call:

Yea—Williamson

Senator Anderson moved that the Senate reconsider the vote by which SB 273 passed this day.

The motion was placed on the calendar for consideration April 24.

SB 15—A bill to be entitled An act relating to the disposition of animals found neglected or cruelly treated; amending s. 828.073(2), Florida Statutes, 1978 Supplement; prescribing time limits within which a county court judge must set and hold a hearing to determine the disposition of such animal; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator Scott and adopted:

Amendment 1—On page 1, strike all of lines 22 through and including line 23 and insert: to be set *within 30 days from the date of seizure of the animal and held not more than 15 30 days after the setting of such date from the date of seizure of the animal* to determine whether

On motion by Senator Scott, by two-thirds vote SB 15 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Anderson	Gorman	Maxwell	Spicola
Carlucci	Grizzle	McClain	Steinberg
Chamberlin	Hair	McKnight	Stuart
Childers, D.	Henderson	Myers	Thomas
Childers, W. D.	Hill	Peterson	Tobiasen
Dunn	Holloway	Poole	Trask
Fechtcl	Jenne	Scarborough	Vogt
Frank	Johnston	Scott	Ware
Gordon	MacKay	Skinner	Winn

Nays—None

Vote after roll call:

Yea—Williamson

SB 34—A bill to be entitled An act relating to the John and Mable Ringling Museum of Art; adding s. 265.26(7); Florida Statutes; authorizing the board of trustees to insure art objects loaned for public exhibition; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 34 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Hair	Myers	Tobiasen
Chamberlin	Henderson	Peterson	Trask
Childers, D.	Hill	Poole	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Jenne	Scott	Winn
Fechtcl	Johnston	Skinner	
Frank	MacKay	Spicola	
Gordon	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Williamson

SB 92—A bill to be entitled An act relating to the Florida Council on Criminal Justice; amending s. 23.152(3)(e), Florida Statutes, 1978 Supplement; changing the membership of the council; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 92 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Hair	Myers	Tobiasen
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scarborough	Williamson
Fechtcl	Johnston	Skinner	Winn
Frank	MacKay	Spicola	
Gordon	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Scott

SB 96—A bill to be entitled An act relating to environmental control; amending s. 403.061(25), Florida Statutes, 1978 Supplement, and s. 403.0615(2), Florida Statutes; empowering and requiring the Department of Environmental Regulation to enhance public access to bodies of water involved in its program to restore and preserve water resources in the state; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendments which were moved by Senator McKnight and adopted:

Amendment 1—On page 1, strike all of line 24 and insert: *to cooperate with other applicable state or local agencies to enhance existing public access to such bodies of water, and to adopt all*

Amendment 2—On page 2, line 1, strike "increase" and insert: *enhance existing*

Amendment 3—On page 1, strike all of line 7 and insert: *cooperate with state and local agencies in enhancing public access to such bodies of water which are*

On motion by Senator McKnight, by two-thirds vote SB 96 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Anderson	Dunn	Hair	Maxwell
Barron	Fechtcl	Henderson	McClain
Carlucci	Frank	Hill	McKnight
Chamberlin	Gordon	Holloway	Myers
Childers, D.	Gorman	Jenne	Peterson
Childers, W. D.	Grizzle	Johnston	Poole

Scarborough	Steinberg	Tobiassen	Ware
Skinner	Stuart	Trask	Williamson
Spicola	Thomas	Vogt	Winn

Nays—None

Votes after roll call:

Yea—Neal, Scott

SB 98—A bill to be entitled An act relating to the Community Service Trust Fund; amending s. 409.506, Florida Statutes, clarifying a limitation on the use of certain funds; providing an effective date.

—was read the second time by title.

Senator McKnight moved the following amendments which were adopted:

Amendment 1—On page 1, line 9, after "Section 1." insert: Section 409.504(2), Florida Statutes, is amended to read:

409.504 Community Service Trust Fund; creation and distribution.—

(2) On or before ~~September 1~~ August 1 of each year, a local governing authority, either independently or in combination with other local governing authorities, the governing bodies of federally recognized Indian tribes, or a private corporation not for profit whose program plan has been approved by a local governing authority, may apply to the department for financial assistance to implement any program of community services for the fiscal year beginning on October 1 and ending the following September 30. The department is authorized to issue special instructions and make such rules as are necessary to carry out the intent of ss. 409.501-409.505.

Renumber subsequent sections accordingly.

Amendment 2—On page 1 in title, line 3, after the semicolon (;) insert: amending s. 409.504(2), Florida Statutes, advancing application deadline to August 1 of each year;

On motion by Senator McKnight, by two-thirds vote SB 98 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fecht	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn
Gordon	Maxwell	Spicola	

Nays—None

SB 109—A bill to be entitled An act relating to title insurance; amending s. 624.608, Florida Statutes; limiting title insurance to real property and contractual interests derived therefrom; creating s. 627.7761, Florida Statutes; providing definitions; creating s. 627.7762, Florida Statutes; requiring that the words "agent" or "agency" follow the name adopted by a title insurance agent; amending s. 627.784, Florida Statutes; requiring title insurers to make title searches and examinations, and retain evidence of title for not less than 7 years; deleting provisions prohibiting the issuance of title insurance policies or guarantees of title on a casualty basis; creating ss. 627.7861 and 627.7862, Florida Statutes; providing for annual accounting and special auditing of outstanding forms by title insurers of their contract agents or members of a business trust title insurer; prohibiting the furnishing of certain supplies to persons not duly licensed and not under contract with title insurers or not approved as members of a business trust title insurer; providing for civil liability; providing a penalty; creating s. 627.7863, Florida Statutes; providing for licensing of persons and entities as title insurance agents and providing for filing of surety bonds by such agents with the Department of Insurance; providing for the exemp-

tion of title insurers and attorneys from licensing and bonding provisions; creating s. 627.7864, Florida Statutes; requiring title insurance permits for certain employees in offices and branch offices of title insurers and title insurance agents; providing for examination of applicants for permits by the Department of Insurance; providing for the exemption of attorneys and certain others from taking examination; creating s. 627.7865, Florida Statutes; providing for permit and title insurance agent license fees and taxes; creating ss. 627.7866-627.7878, Florida Statutes; providing grounds for refusal, suspension, or revocation of license or permit and procedure therefor; providing penalty, administrative fine, and probation; providing for hearings, witnesses, compelled testimony, and penalty; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 109 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fecht	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn
Gordon	Maxwell	Spicola	

Nays—None

SB 125—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.082, Florida Statutes, 1978 Supplement; adding Brevard County to a list of counties in which it is unlawful to set, lay out, or fish any gill net, wing net, or similar device unattended in any of the waters of the county; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation referred the following amendments which were moved by Senator Vogt and adopted:

Amendment 1—On page 1, lines 21 and 22, strike "or Brevard" and insert: *Brevard, Indian River, or Duval*

Amendment 2—On page 2, line 11, strike "and Brevard" and insert: *Brevard, Indian River, and Duval*

Amendment 3—On page 1 in title, line 5, strike "County" and insert: *, Indian River, and Duval Counties*

On motion by Senator Vogt, by two-thirds vote SB 125 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fecht	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn
Gordon	Maxwell	Spicola	

Nays—None

By the Committee on Natural Resources and Conservation and Senator Henderson—

CS for SB 191—A bill to be entitled An act relating to sewage disposal facilities; amending s. 381.272(8), Florida Statutes, 1978 Supplement; providing that variances may be granted in cases of hardship for development of certain residential lots with a minimum distance of less than 75 feet between

any private well and an individual sewage disposal system; providing an effective date.

—was read the first time by title and SB 191 was laid on the table.

On motion by Senator Henderson, by two-thirds vote CS for SB 191 was read the second time by title.

Senator Henderson moved the following amendment which was adopted:

Amendment 1—On page 2, line 1, after “shown” insert: *by the applicant, or by HES in the case of a single lot,*

On motion by Senator Henderson, by two-thirds vote CS for SB 191 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Anderson	Gordon	MacKay	Spicola
Barron	Gorman	Maxwell	Stuart
Carlucci	Grizzle	McClain	Thomas
Chamberlin	Hair	McKnight	Tobiasen
Childers, D.	Henderson	Myers	Trask
Childers, W. D.	Hill	Neal	Vogt
Dunn	Holloway	Poole	Ware
Fechtel	Jenne	Scott	Williamson
Frank	Johnston	Skinner	Winn

Nays—1

Steinberg

Vote after roll call:

Yea—Peterson

SB 207—A bill to be entitled An act relating to aquatic preserves; creating s. 258.392, Florida Statutes; creating the Gasparilla Sound - Charlotte Harbor Aquatic Preserve in Lee and Charlotte Counties, for inclusion in the aquatic preserve system under the Florida Aquatic Preserve Act of 1975; prescribing boundaries; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendments which were moved by Senator Henderson and adopted:

Amendment 1—On page 1, line 25, strike “771” and insert: 776

Amendment 2—On page 1, line 26 and on page 2, line 16, strike “southeasterly” and insert: southwesterly

Amendment 3—On page 2, line 24, after “2640” insert: feet

On motion by Senator Henderson, by two-thirds vote SB 207 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Hair	Myers	Tobiasen
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scott	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	MacKay	Spicola	
Gordon	Maxwell	Steinberg	

Nays—None

SB 80—A bill to be entitled An act relating to state agencies; amending s. 215.422(3)(b), Florida Statutes, 1978 Supplement; requiring state agencies to furnish reports of any interest paid due to late payment of warrants; eliminating

requirement that such interest be reported in an agency's budget request; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 80 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiasen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtel	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	
Gorman	McClain	Steinberg	

Nays—None

Consideration of Senate Bills 267, 314, 330 and 331 was deferred.

SB 446—A bill to be entitled An act relating to the practice of physical therapy; amending s. 486.021(2), Florida Statutes, 1978 Supplement; redefining “physical therapist”; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Poole and adopted:

Amendment 1—On page 1, lines 14 and 15, strike “referral or” and on line 16 after the word “dentistry” insert: *or upon the referral of, and in consultation with, any such person*

On motion by Senator Poole, by two-thirds vote SB 446 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Hair	Myers	Tobiasen
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scarborough	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	MacKay	Spicola	
Gordon	Maxwell	Steinberg	

Nays—None

SB 519—A bill to be entitled An act relating to the Florida Council on Teacher Education; amending s. 231.10(1)(e), Florida Statutes, 1978 Supplement; requiring one teacher member of the Florida Council on Teacher Education to be a representative of the nonpublic schools; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendments which were moved by Senator Maxwell and adopted:

Amendment 1—On page 1, strike on line 20 after “(e)”: Seven on line 24 after the word “the”: seven and insert: on line 20 after “(e)”: *Eight* on line 24 after the word “the”: *eight*

Amendment 2—On page 1, line 22, strike after the word “teachers,”: two and insert: *three*

Senator Maxwell moved the following amendment which was adopted:

Amendment 3—On page 1, line 4, after the semicolon insert: adding an eighth member to the Florida Council on Teacher Education who shall be an elementary teacher;

On motion by Senator Maxwell, by two-thirds vote SB 519 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Neal	Tobiassen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Skinner	Winn
Fechtcl	MacKay	Spicola	
Frank	Maxwell	Steinberg	
Gordon	McClain	Stuart	

Nays—None

The President presiding

On motion by Senator Thomas, the rules were waived and by two-thirds vote SB 443 was also referred to the Committee on Economic, Community and Consumer Affairs.

SB 557—A bill to be entitled An act relating to a building to be erected at the Marine Research Laboratory, Florida Department of Natural Resources at St. Petersburg; naming the new building at St. Petersburg the Robert M. Ingle Building; directing the Florida Department of Natural Resources to erect a suitable marker, a picture, and an inscription; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote SB 557 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Anderson	Grizzle	McKnight	Thomas
Barron	Hair	Myers	Tobiassen
Carlucci	Henderson	Neal	Trask
Chamberlin	Hill	Peterson	Vogt
Childers, D.	Holloway	Poole	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Skinner	Winn
Fechtcl	MacKay	Spicola	
Frank	Maxwell	Steinberg	
Gorman	McClain	Stuart	

Nays—None

SB 393—A bill to be entitled An act relating to the protection of manatees; amending s. 370.12(2)(f)-(h), Florida Statutes; providing exemption from speed restrictions for the main channel of the Florida Intracoastal Waterway; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendments which were moved by Senator Holloway and adopted:

Amendment 1—On page 2, strike all of line 24 and insert: *Waterway, as defined in s. 371.021(16), and as further defined in the records of the United States Army Corps of Engineers, Jacksonville District, as having a specific width in each regulated zone and which width ranges from 50 feet at its narrowest point to 125 feet at its widest point, is exempt from all*

Amendment 2—On page 3, strike all of line 13 and insert: *in s. 371.021(16), and as further defined in the records of the United States Army Corps of Engineers, Jacksonville District, is exempt from all speed restrictions*

On motion by Senator Holloway, by two-thirds vote SB 393 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	McClain	Steinberg
Anderson	Gorman	McKnight	Stuart
Barron	Grizzle	Myers	Thomas
Carlucci	Hill	Neal	Tobiassen
Chamberlin	Holloway	Peterson	Trask
Childers, D.	Jenne	Poole	Vogt
Childers, W. D.	Johnston	Scarborough	Ware
Dunn	MacKay	Skinner	Winn
Fechtcl	Maxwell	Spicola	

Nays—2

Frank Henderson

Votes after roll call:

Yea—Hair

Yea to Nay—Neal

On motion by Senator Barron, the rules were waived and time of adjournment was extended until 12:15 p.m.

SB 178—A bill to be entitled An act relating to physicians; creating s. 458.165, Florida Statutes; requiring the executor, administrator, personal representative, or survivor of a deceased physician to preserve the physician's records concerning his patients for a period of 2 years from the physician's death; exempting such persons from personal liability with respect to any patient of the deceased physician where a good faith effort to preserve records is made; providing for transmittal of said records; providing for liability; providing for notice to patients of disposition of records; providing for notice of records of patients of physicians deceased for 2 or more years prior to enactment of the act; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendments which were moved by Senator Don Childers and adopted:

Amendment 1—On page 1, line 25, strike the word "preservation" and insert: retention

Amendment 2—On page 1, line 28, strike the word "preserve" and insert: retain

Amendment 3—On page 1, line 30, and on page 2, lines 14 and 26, strike "2" and insert: 5

Amendment 4—On page 2, line 31, insert: (6) The executor, administrator, personal representative, or survivor of a physician who is deceased, shall notify the Florida Medical Association or the medical association serving the area in which the physician had his practice, of the physician's death, the procedure for his patients to obtain their records, and date on which said records will be destroyed.

Amendment 5—On page 1, line 6, strike the word "preserve" and insert: retain

Amendment 6—On page 1, lines 7 and 16, strike "2" and insert: 5

Amendment 7—On page 1, line 17, after "act;" insert: providing for notice of certain medical associations;

On motion by Senator Don Childers, by two-thirds vote SB 178 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Chamberlin	Fechtcl	Grizzle
Anderson	Childers, D.	Frank	Hair
Barron	Childers, W. D.	Gordon	Henderson
Carlucci	Dunn	Gorman	Hill

Holloway	McKnight	Skinner	Vogt
Jenne	Myers	Steinberg	Ware
Johnston	Peterson	Stuart	Williamson
MacKay	Poole	Thomas	Winn
Maxwell	Scarborough	Tobiasen	
McClain	Scott	Trask	

Nays—None

Consideration of SB 262 was deferred.

SB 192—A bill to be entitled An act relating to assessments; amending s. 193.062, Florida Statutes; requiring that tangible personal property and inventory tax returns be filed by April 15; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 192 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	McClain	Stuart
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Myers	Tobiasen
Carlucci	Hair	Neal	Trask
Chamberlin	Hill	Peterson	Vogt
Childers, D.	Holloway	Poole	Ware
Childers, W. D.	Jenne	Scarborough	Williamson
Dunn	Johnston	Scott	Winn
Fechtel	MacKay	Skinner	
Frank	Maxwell	Steinberg	

Nays—None

SB 152—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 570.36, Florida Statutes; relating to the Division of Animal Industry; abolishing the Bureau of Tick Eradication and the Bureau of Screwworm and transferring the functions thereof to the Bureau of Contagious and Infectious Diseases; amending s. 570.40, Florida Statutes, relating to the Division of Dairy Industry; abolishing the Bureau of Mastitis and transferring the functions thereof to the Bureau of Dairy Farm Inspection; amending s. 570.46, Florida Statutes, relating to the Division of Standards; renaming the Bureau of Gasoline and Oil Standards and the Bureau of Weights and Measures Standards as the Bureau of Petroleum Inspection and the Bureau of Weights and Measures, respectively; amending s. 570.50, Florida Statutes, relating to the Division of Chemistry; prescribing functions of existing bureaus; creating the Bureau of Chemical Residue Laboratory; establishing laboratory sections; amending s. 570.53, Florida Statutes; abolishing the Bureau of Agricultural Information of the Division of Marketing of the department; creating a Bureau of Market Development, a Bureau of Crop and Livestock Reporting, and a Bureau of Technical Marketing Programs of the division; prescribing functions of such bureaus; amending s. 570.54, Florida Statutes; requiring the department to appoint a director of the division; expanding the duties of the director of the division; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 152 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Frank	Johnston	Skinner
Anderson	Gordon	Maxwell	Steinberg
Barron	Gorman	McClain	Stuart
Carlucci	Grizzle	McKnight	Tobiasen
Chamberlin	Hair	Myers	Trask
Childers, D.	Henderson	Peterson	Vogt
Childers, W. D.	Hill	Poole	Ware
Dunn	Holloway	Scarborough	Winn
Fechtel	Jenne	Scott	

Nays—None

SCR 67—A concurrent resolution commending the Ybor City Chamber of Commerce and Sal Ciarvella for their dedication and generosity in bringing "Tampa Day" to the Florida Legislature.

—was read the second time in full. On motion by Senator McClain, SCR 67 was adopted and certified to the House. The vote on adoption was:

Yeas—35

Mr. President	Gordon	MacKay	Stuart
Anderson	Gorman	Maxwell	Thomas
Barron	Grizzle	McClain	Tobiasen
Carlucci	Hair	McKnight	Trask
Chamberlin	Henderson	Peterson	Vogt
Childers, W. D.	Hill	Poole	Ware
Dunn	Holloway	Scott	Williamson
Fechtel	Jenne	Skinner	Winn
Frank	Johnston	Steinberg	

Nays—None

In addition to the original sponsor, Senators voting in the affirmative were recorded as co-introducers of SCR 67.

SB 594—A bill to be entitled An act relating to intangible personal property tax; amending s. 199.062(1), Florida Statutes; providing that a company, corporation, or financial institution which elects to pay the tax on its securities as agent for the registered holders thereof shall notify the Department of Revenue before April 1; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 594 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiasen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtel	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

On motion by Senator Myers, by two-thirds vote SB 601 was removed from the calendar and recommitted to the Committee on Ways and Means.

SB 605—A bill to be entitled An act relating to estate taxes; amending s. 198.35, Florida Statutes, conforming Florida law to the most recent changes in the United States Internal Revenue Code; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 605 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Grizzle	McKnight	Stuart
Anderson	Hair	Myers	Thomas
Barron	Henderson	Neal	Tobiasen
Carlucci	Hill	Peterson	Trask
Chamberlin	Holloway	Poole	Vogt
Childers, D.	Jenne	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Fechtel	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	
Gorman	McClain	Steinberg	

Nays—None

SB 606—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03(1)(h) and (2)(c), Florida

Statutes, 1978 Supplement, defining the term "Internal Revenue Code" as used in the Florida Income Tax Code; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 606 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Grizzle	Myers	Stuart
Anderson	Hair	Neal	Thomas
Carlucci	Hill	Peterson	Tobiasen
Chamberlin	Jenne	Poole	Trask
Childers, D.	Johnston	Scarborough	Vogt
Childers, W. D.	MacKay	Scott	Ware
Fechtel	Maxwell	Skinner	Williamson
Frank	McClain	Spicola	Winn
Gorman	McKnight	Steinberg	

Nays—None

SB 611—A bill to be entitled An act relating to the Working Capital Fund; amending s. 215.32(2)(c), Florida Statutes; increasing the maximum percent of net revenue of the General Revenue Fund to be transferred to the Working Capital Fund; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 611 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gordon	Maxwell	Steinberg
Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Hair	Myers	Tobiasen
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scarborough	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	MacKay	Spicola	

Nays—None

SB 585—A bill to be entitled An act relating to community colleges; redesignating s. 230.754(2)(j), Florida Statutes, and adding a new paragraph (j) to said subsection; authorizing the board of trustees of a community college to adopt certain rules relating to parking and traffic; authorizing the board to empower persons to enforce parking rules; limiting the authority of persons so empowered; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendments which were moved by Senator Neal and adopted:

Amendment 1—On page 1, line 30, insert: (after the period) *Moneys collected from parking rule infractions shall be deposited in appropriate funds at each community college for student financial aid programs.*

Amendment 2—On page 1, line 10, insert: (after the semi-colon) providing for the disposition of funds;

On motion by Senator Neal, by two-thirds vote SB 585 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dunn	Henderson	McClain
Anderson	Fechtel	Hill	McKnight
Barron	Frank	Holloway	Neal
Carlucci	Gordon	Jenne	Peterson
Chamberlin	Gorman	Johnston	Poole
Childers, D.	Grizzle	MacKay	Scarborough
Childers, W. D.	Hair	Maxwell	Skinner

Spicola
Steinberg
Stuart

Thomas
Tobiasen
Trask

Vogt
Ware

Williamson
Winn

Nays—None

On motion by Senator Dunn, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 2 and 4 to HB 35 and requests the Senate to recede.

Allen Morris, Clerk

By Representative Lehman and others—

HB 35—A bill to be entitled An act relating to the Florida Comprehensive Drug Abuse Prevention and Control Act; amending s. 893.02(2), Florida Statutes, redefining the term "cannabis"; amending the introductory paragraph of subsection (1) of s. 893.03, Florida Statutes, 1978 Supplement, providing that certain substances used pursuant to the Controlled Substances Therapeutic Research Act which are within Schedule I of the Florida Comprehensive Drug Abuse Prevention and Control Act shall be deemed to meet acceptable safety standards under medical supervision; amending s. 893.13(1)(f), Florida Statutes, to include all plants of the genus cannabis; providing an effective date.

Amendment 2—On page 2, line 29, strike "5" and insert: *28.35*

Amendment 4—On page 1 in the title, line 15, insert after the semi-colon: increasing the amount possessed or delivered in a first offense;

On motions by Senator Dunn, the Senate refused to recede from the Senate amendments and the House was again requested to concur and in the event the House refused to concur a conference committee was requested. The action of the Senate was certified to the House.

On motion by Senator Barron, the rules were waived and time of adjournment was extended until consideration of bills on the consent and local bill calendars.

CONSENT CALENDAR, continued

SB 163—A bill to be entitled An act relating to nonpublic postsecondary institutions; amending s. 246.011(1), Florida Statutes, and adding subsection (5) to said section; clarifying the legislative intent; providing for the collection and dissemination of information relating to nonpublic postsecondary institutions; amending s. 246.021(1)(g), Florida Statutes; changing the exemption from licensure and regulation requirements provided for missionary and ministerial institutions; amending s. 246.091(1), Florida Statutes; prescribing the periods of licensure; amending s. 246.095(1), Florida Statutes; requiring disclosure of certain information to all prospective students; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote SB 163 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiasen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtel	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

SB 301—A bill to be entitled An act relating to witnesses; adding s. 914.001(3), Florida Statutes; prescribing methods of service of subpoenas on witnesses in criminal misdemeanor cases; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote SB 301 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiasen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

SB 136—A bill to be entitled An act relating to county courts; amending s. 34.01(1), Florida Statutes; increasing the jurisdictional amount for actions filed in county courts; providing an effective date.

—was read the second time by title.

Senator Scott moved the following amendments which were adopted:

Amendment 1—On page 1, line 14, strike “and”, following the comma and on page 1, line 18 after the word “courts” insert: , and of all equitable defenses relating to matters within the original jurisdiction of the court.

Amendment 2—On page 1, line 5, after the ; insert: expanding jurisdiction for certain equitable defenses

On motion by Senator Dunn, by two-thirds vote SB 136 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McClain	Thomas
Anderson	Grizzle	McKnight	Tobiasen
Barron	Hair	Myers	Trask
Chamberlin	Henderson	Neal	Vogt
Childers, D.	Hill	Peterson	Ware
Childers, W. D.	Holloway	Poole	Williamson
Dunn	Jenne	Scarborough	Winn
Fechtcl	Johnston	Scott	
Frank	MacKay	Spicola	
Gordon	Maxwell	Stuart	

Nays—None

SB 248—A bill to be entitled An act relating to the Card Sound Toll Bridge facility; requiring the Department of Transportation to pay the toll fees of vehicles under certain specified conditions; authorizing the department to adopt rules necessary to carry out this act; providing an effective date.

—was read the second time by title.

Senators Holloway, Anderson and McKnight offered the following amendment which was moved by Senator Holloway and adopted:

Amendment 1—On page 1, strike line 13 and insert: on any duly constituted law enforcement agency which is authorized to regulate traffic in the area, reroutes traffic from U. S. Highway #1 to the Card Sound Road in

Senator Holloway moved the following amendment which was adopted:

Amendment 2—On page 1, strike all of line 22 and insert: Section 3. This act shall take effect upon becoming a law.

On motion by Senator Holloway, by two-thirds vote SB 248 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Grizzle	McKnight	Stuart
Anderson	Hair	Myers	Thomas
Barron	Henderson	Neal	Tobiasen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Fechtcl	Johnston	Skinner	Williamson
Frank	Maxwell	Spicola	Winn
Gorman	McClain	Steinberg	

Nays—None

SB 365—A bill to be entitled An act relating to the Florida Interlocal Cooperation Act of 1969; amending s. 163.01(12), Florida Statutes; deleting the requirement that interlocal agreements and amendments thereto be filed with the Department of Community Affairs; deleting the requirement that the department keep records of, and notify other state departments about, such agreements and amendments; repealing s. 163.01(11), Florida Statutes, which requires the submission of each interlocal agreement to the Department of Legal Affairs for approval with respect to its compliance with law; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote SB 365 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McClain	Thomas
Anderson	Grizzle	McKnight	Tobiasen
Barron	Hair	Neal	Trask
Carlucci	Henderson	Peterson	Vogt
Chamberlin	Hill	Poole	Ware
Childers, D.	Holloway	Scarborough	Williamson
Childers, W. D.	Jenne	Skinner	Winn
Dunn	Johnston	Spicola	
Fechtcl	MacKay	Steinberg	
Frank	Maxwell	Stuart	

Nays—None

SB 314—A bill to be entitled An act relating to officers of the state; amending s. 839.11, Florida Statutes; removing a provision that makes malpractice in office not otherwise specifically provided for a crime; prohibiting such an officer from willfully charging, receiving, or collecting any greater services than he is entitled to; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 314 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	McKnight	Thomas
Barron	Hair	Neal	Tobiasen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Skinner	Winn
Fechtcl	MacKay	Spicola	
Frank	Maxwell	Steinberg	

Nays—None

LOCAL BILL CALENDAR

SB 426—A bill to be entitled An act relating to the Manatee County Law Library Fund; amending ss. 9, 10, 12, 13, chapter 61-2455, Laws of Florida, as amended; providing that all funds collected for certain license fees be paid into said fund; pro-

viding the composition and duties of the Manatee County Law Library Committee; authorizing the Clerk of the Circuit Court of Manatee County to select, with the consent of the committee, the law librarian and library assistants; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote SB 426 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

SB 513—A bill to be entitled An act relating to Manatee County; amending sections 4 and 5, chapter 71-760, Laws of Florida, cited as the "Manatee County Free Public Library Act"; specifying the officers and defining the powers of the Manatee County Library Board; defining the powers of the Board of County Commissioners of Manatee County; authorizing the Library Board to recommend and submit tentative budgets and nominees for employment of personnel of the Library Service; authorizing the Board of County Commissioners to adopt budgets and employ personnel for the Library Service; providing for reports; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote SB 513 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

SB 514—A bill to be entitled An act relating to Brevard County; restricting the use of water-to-air air conditioners with artesian wells; providing an exception; providing remedial measures and civil penalties; providing an effective date.

—was read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 1, line 21, after the word "conditioner" add the following: unless the discharge water from the existing air conditioner is being used for irrigation purposes

Amendment 2—On page 1 in title, line 4, strike "an exception" and insert: exceptions

On motion by Senator Vogt, by two-thirds vote SB 514 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Carlucci	Childers, W. D.	Frank
Anderson	Chamberlin	Dunn	Gorman
Barron	Childers, D.	Fechtcl	Grizzle

Hair	Maxwell
Henderson	McClain
Hill	McKnight
Holloway	Myers
Jenne	Neal
Johnston	Peterson
MacKay	Poole

Nays—None

SB 515—A bill to be entitled An act relating to Manatee County; amending section 6(1), chapter 78-556, Laws of Florida; providing that bonds may be issued by the Manatee County Civic Center Authority after approval by a majority of the votes cast in an election; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote SB 515 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

SB 536—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending s. 20, chapter 24927, Laws of Florida, 1947; providing a procedure for dismissal of excessive employees; requiring that employees so dismissed be granted preference in future hiring by the city; defining "seniority"; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote SB 536 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

SB 537—A bill to be entitled An act creating the Hillsborough County Local Government Efficiency and Management Study Committee; providing for the qualifications, appointment, and terms of the members of said committee; prescribing its jurisdiction, powers, and duties; requiring an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 537 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fechtcl	Jenne	Peterson
Anderson	Frank	Johnston	Poole
Barron	Gorman	MacKay	Scarborough
Carlucci	Grizzle	Maxwell	Scott
Chamberlin	Hair	McClain	Skinner
Childers, D.	Henderson	McKnight	Spicola
Childers, W. D.	Hill	Myers	Steinberg
Dunn	Holloway	Neal	Stuart

Thomas Trask Ware Winn
Tobiassen Vogt Williamson

Nays—None

SB 539—A bill to be entitled An act relating to the Hillsborough County Port District; amending s. 2(8), chapter 78-527, Laws of Florida; redefining "annual high water line"; providing that issuance of a permit under chapter 78-527, Laws of Florida, constitutes county approval required by s. 253.124, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 539 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

SB 540—A bill to be entitled An act relating to Hillsborough County; amending ss. 5(1), 8, chapter 69-1121, Laws of Florida, as amended; prescribing membership of the unclassified service of the civil service system of the county; making retroactive a provision which provides for no loss of benefits upon transfer to the civil service system of the county; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 540 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

SB 558—A bill to be entitled An act relating to the City of Gainesville; adding s. 22A to chapter 12760, Laws of Florida, 1927, as amended; authorizing the city commission to employ an internal auditor; prescribing duties of the internal auditor; providing a rule of construction; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote SB 558 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

SB 644—A bill to be entitled An act relating to Cedar Hammock Fire Control District, Manatee County; amending subsection (1) of section 4, chapter 57-1546, Laws of Florida, as amended; increasing the maximum amount of special assessments which may be levied upon specified categories of property; providing that fees may be charged for emergency services rendered with respect to motor vehicles; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote SB 644 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

SB 670—A bill to be entitled An act relating to Seminole County; amending chapter 29534, Laws of Florida, 1953; authorizing the Board of County Commissioners of Seminole County to lease the capital facilities of the Seminole Memorial Hospital to a nonprofit corporation; providing for reestablishment of the Board of Trustees; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote SB 670 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

Consideration of SB 713 was deferred.

SB 721—A bill to be entitled An act relating to Alachua County; amending section 1, chapter 57-1118, Laws of Florida; modifying the membership of the Board of Trustees, Alachua County Law Library; changing the name of said library; providing an effective date.

—was read the second time by title. On motion by Senator Skinner, by two-thirds vote SB 721 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

SB 741—A bill to be entitled An act relating to Pasco County; amending section 6 of chapter 74-573, Laws of Florida, as

amended; providing for semiannual, rather than monthly, required meetings of the Board of Consumer Affairs and Appeals; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 741 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiasen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtel	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

SB 770—A bill to be entitled An act relating to Lake County; amending s. 2(2), chapter 73-519, Laws of Florida; providing that the candidate receiving 50 percent plus one vote in the non-partisan primary ballot for the office of superintendent of schools for the Lake County school district shall be placed on the ballot in the general election; providing that if no candidate receives 50 percent plus one vote, then the two candidates receiving the highest number of votes shall appear on the ballot in the general election; providing an effective date.

—was read the second time by title. On motion by Senator Fechtel, by two-thirds vote SB 770 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiasen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtel	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

SB 872—A bill to be entitled An act relating to Brevard County; prohibiting the taking of fish by certain means from any manmade residential canal located in Brevard County; providing penalties; providing for a referendum; providing an effective date.

—was read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 1, line 11, after the word "residential" add the following: saltwater

Amendment 2—On page 1 in title, line 4, after the word "residential" add the following: saltwater

On motion by Senator Vogt, by two-thirds vote SB 872 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Childers, D.	Gorman	Holloway
Anderson	Childers, W. D.	Grizzle	Jenne
Barron	Dunn	Hair	Johnston
Carlucci	Fechtel	Henderson	MacKay
Chamberlin	Frank	Hill	Maxwell

McClain	Poole	Steinberg	Vogt
McKnight	Scarborough	Stuart	Ware
Myers	Scott	Thomas	Williamson
Neal	Skinner	Tobiasen	Winn
Peterson	Spicola	Trask	

Nays—None

The President announced that the Senate would stand at ease for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions.

INTRODUCTION

By Senator Thomas—

SB 894—A bill to be entitled An act relating to common carriers; amending and renumbering ss. 352.22, 352.23, and 352.24, Florida Statutes, revising the classes of persons to whom free or reduced transportation may be granted, to include sheriffs on official duty, public officers and employees traveling to promote economic development or tourism, and certain business persons connected with such promotion; deleting specific references to railroads; providing for reports of free or reduced transportation by common carriers; revising penalties to conform; repealing s. 350.53(1)(ee), Florida Statutes, relating to reports of free passes by railroads; directing that changes in terminology be made; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Rules and Calendar.

By Senators Peterson and Trask—

SB 895—A bill to be entitled An act relating to the agriculture and plant industry; amending s. 570.32, Florida Statutes, relating to duties of bureaus under the Division of Plant Industry of the Department of Agriculture and Consumer Services; clarifying present duties and specifying expanded duties of certain bureaus; renaming the Bureau of Special Programs; amending s. 570.33(1) and (3), Florida Statutes, relating to the Director of the Division of Plant Industry and his duties; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture and Ways and Means.

By Senator Dunn—

SB 896—A bill to be entitled An act relating to the code of ethics for public officers and employees; amending s. 112.312, Florida Statutes; providing definitions; creating s. 112.314, Florida Statutes; requiring certain public officers and candidates for office to make full and public disclosure of financial interests and clients represented before agencies; prescribing procedure and contents of such disclosure; providing duties of the Commission on Ethics; amending s. 112.3145, Florida Statutes; requiring certain state or local officers, employees, and candidates for office to make limited disclosure of financial interests and clients represented before agencies; prescribing procedure and contents of such disclosure; requiring the Secretary of State to provide certain forms; providing exemptions; amending s. 112.3146, Florida Statutes; providing that required statements are public records; amending s. 112.3147, Florida Statutes; requiring the Commission on Ethics to prescribe and supply certain forms; amending s. 112.326, Florida Statutes; providing a municipal option with respect to disclosure requirements; creating s. 112.3261, Florida Statutes; authorizing full disclosure pursuant to executive order; amending s. 99.012(6), Florida Statutes; prohibiting a person from qualifying as a candidate for public office until he has filed the applicable statement of financial interest; repealing ss. 111.011, 112.313(1), Florida Statutes, relating to the required statement of contributions received by elected public officers and the definition of "public officer"; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Judiciary-Civil.

By Senator Vogt—

SB 897—A bill to be entitled An act relating to water resources; creating s. 373.117, Florida Statutes, authorizing the

Department of Environmental Regulation or the governing board of a water management district to require certification of certain permitted or licensed activities by a professional engineer; providing for the cost thereof and prohibiting operation without the required certification; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Winn (by request)—

SB 898—A bill to be entitled An act relating to tax collections; adding a new subsection (2) to s. 197.016, Florida Statutes; specifying that nothing shall require the tax collectors to collect simultaneously all assessments levied by separate taxing authorities on the same property; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Winn—

SB 899—A bill to be entitled An act relating to condominiums; amending s. 718.112(2)(c), Florida Statutes, 1978 Supplement, providing that notice of certain meetings of the board of administration of a condominium must include described information concerning proposed assessments against unit owners; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By Senators Ware, Barron, Don Childers, Poole, Carlucci, Grizzle, Peterson, Fechtel, Maxwell, Tobiasen, Anderson, Trask, Skinner, Scarborough, Williamson, McClain and Holloway—

SM 900—A memorial to Congress rejecting the proposed United States constitutional amendment granting the District of Columbia special rights and to the several states urging them to oppose same.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator MacKay—

SB 901—A bill to be entitled An act relating to insurance; amending s. 627.311(3), Florida Statutes, 1978 Supplement; authorizing the Department of Insurance to review the automobile joint underwriting plan and to disapprove the plan or a part thereof at any time; providing that the procedure for disapproval is subject to chapter 120, Florida Statutes; providing an exception; requiring the joint underwriting association to operate subject to the supervision and approval of a board of governors and chairman thereof; providing for the annual appointment of a nine member board of governors; providing for the appointment and removal of the majority of the board members and the chairman by the Insurance Commissioner; authorizing participating insurers to appoint the remainder of the board; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Spicola (by request)—

SB 902—A bill to be entitled An act relating to the justifiable use of force; creating s. 776.09, Florida Statutes; permitting the use of force by a public officer in a reasonable exercise of his official powers, duties or functions, or by any person in certain emergency situations; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senator Williamson—

SB 903—A bill to be entitled An act relating to building construction standards; amending s. 553.73(1), Florida Statutes, relating to adoption of State Minimum Building Codes by local governments and state agencies with building construction regulation responsibilities; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Williamson—

SB 904—A bill to be entitled An act relating to evidence; amending s. 92.33, Florida Statutes, requiring persons having a copy of certain tape recorded statements concerning injury to person or property to provide a copy to the person who made the statement upon request; prohibiting the admissibility of such statements in evidence unless such copy was provided; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Spicola—

SB 905—A bill to be entitled An act relating to theft; authorizing certain persons to take into custody and detain a person reasonably suspected of unlawfully taking construction related property from a construction site; relieving such authorized persons of certain civil and criminal liability; amending s. 812.014(2)(b), Florida Statutes, 1978 Supplement; providing penalties for the theft of construction related property from a construction site; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senator Grizzle—

SB 906—A bill to be entitled An act relating to education; amending s. 228.195(3) and (4), Florida Statutes, providing for administration and funding of school food and nutrition programs; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Grizzle—

SB 907—A bill to be entitled An act relating to child abuse; amending s. 827.07(2) and (4)(a), Florida Statutes, 1978 Supplement; providing legislative intent with respect to requests for assistance by parents or guardians; providing an exception to provisions requiring reports of abuse; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senator Grizzle—

SB 908—A bill to be entitled An act relating to process; amending s. 48.193(1)(e), Florida Statutes; providing for service of process upon the Secretary of State with respect to defendants who conceal their whereabouts with respect to certain proceedings relative to dissolution of marriage; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Williamson—

SB 909—A bill to be entitled An act relating to liability insurance; providing requirements for reservation of coverage defenses by liability insurers; providing for notice of reservation; providing for notice of refusal to defend; providing for nonwaiver agreements; providing a description of notification as required by the act; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Williamson—

SB 910—A bill to be entitled An act relating to driver's licenses; repealing s. 316.625, Florida Statutes, to abolish provisions which prohibit certain minors, disabled or incapacitated persons or unlicensed persons from operating a motor vehicle in the state; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Transportation.

By Senator Williamson—

SB 911—A bill to be entitled An act relating to public health; amending s. 381.601(1), (6), and (7), Florida Statutes, adding paragraphs (e)-(m) to subsection (2), and adding new subsections (5) and (6) to said section, changing the title of the "Florida Blood Labeling Act of 1977" to the "Florida Blood Transfusion Act of 1977"; providing definitions; prohibiting the use of blood obtained from a paid donor in a transfusion, except under certain circumstances; providing a penalty; providing that it is the policy of the state that blood supplies be maintained by voluntary donations; prohibiting the assessment of nonreplacement fees on blood; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

By Senator Williamson—

SB 912—A bill to be entitled An act relating to motor vehicle licenses; repealing s. 316.605, Florida Statutes, 1978 Supplement, to abolish provisions in the uniform traffic code requiring the display of motor vehicle license plates on motor vehicles in the state; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

By Senator Stuart (by request)—

SB 913—A bill to be entitled An act relating to the Local Government Comprehensive Planning Act of 1975; amending s. 163.3164(1), Florida Statutes, deleting provisions including certain unincorporated lands under the definition of "area" as used in the act; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Maxwell—

SB 914—A bill to be entitled An act relating to elections; redesignating s. 97.021(8)(c)-(f), Florida Statutes, and adding a new paragraph (c) to said subsection; amending ss. 97.102(1), 101.62(1), 101.64(1), Florida Statutes; providing that an elector may vote an absentee ballot if his employment prevents him from attending the polls; providing that an elector who changed his residence after the registration books were closed may vote on statewide issues; decreasing the time period for requesting an absentee ballot; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Thomas—

SB 915—A bill to be entitled An act relating to the Florida Income Tax Code; adding subsection (6) to s. 220.02, Florida Statutes, and adding paragraphs (o), (p) and (q) to s. 220.03(1), Florida Statutes, 1978 Supplement; providing legislative intent and definitions; creating s. 220.18, Florida Statutes; providing for an economic development tax incentive credit to be allowed against the tax imposed under the corporate income tax to businesses which establish a new business or expand an existing business; providing for computation of the credit based on ad valorem taxes paid; providing a limitation; creating s. 193.074, Florida Statutes; providing for notice of new or expanded property to be filed with the property appraiser; adding subsection (5) to s. 193.085, Florida Statutes, 1978 Supplement, and subsection (4) to s. 195.073, Florida Statutes; providing for classification and listing of new and expansion-related property; providing duties of Department of Revenue and property appraisers; adding subsection (7) to s. 195.096, Florida Statutes, providing for review of assessment rolls; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce; Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Peterson—

SB 916—A bill to be entitled An act relating to agriculture and plant industry; amending s. 581.011, Florida Statutes; providing definitions; amending ss. 581.031(1), (3)-(10), (14)-

(20), and (24), 581.111, and 581.211, Florida Statutes, 1978 Supplement, and ss. 581.083, 581.091, 581.101(1), 581.131, 581.161, and 581.181, Florida Statutes; including noxious weeds under the control and rulemaking power of the Department of Agriculture and Consumer Services; including noxious weeds under the quarantine and emergency powers of the department; providing for propagation of disease free nursery stock with permission of owner; requiring the department to maintain a list of all certified nurseries, including specific information; prohibiting the introduction of noxious weeds except under special permit by the Division of Plant Industry; providing for notice to the division director or to any authorized representative as to noncompliance with the chapter; requiring dealers and agents to pay certificate fees; providing for fumigation of plants and plant products; authorizing the destruction of plants or plant products infested with noxious weeds; requiring notice to the owner of such plants or plant products to be in writing; providing a penalty for interfering with the director or authorized representative of the department in the performance of his duties; repealing ss. 581.142(4), (5), and (6), and 581.152, Florida Statutes, 1978 Supplement, respectively, relating to enforcement and rulemaking authority and penalties, and to eradication of burrowing nematode in commercial groves; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture and Ways and Means.

By Senator Myers—

SB 917—A bill to be entitled An act relating to the district school system; amending s. 230.2315(5), Florida Statutes, 1978 Supplement; removing the requirement that an administrative review relating to the placement of a student in an educational alternative program be subject to the Administrative Procedure Act; providing for such review by the school board; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Judiciary-Civil.

By the Committee on Transportation—

SB 918—A bill to be entitled An act relating to environmental control; amending ss. 253.126(1) and 403.061(14)(a), Florida Statutes, 1978 Supplement; requiring the Department of Environmental Regulation to establish a program authorizing the Department of Transportation to perform certain activities regulated by chapters 253 and 403, Florida Statutes, upon certification that the Department of Transportation will comply with requirements for environmental control and protection; providing for investigation and enforcement of such compliance; specifying contents of the authorization; providing for revocation of the authorization; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation, Transportation and Ways and Means.

By Senator Hill—

SB 919—A bill to be entitled An act relating to criminal law enforcement; amending ss. 943.35 and 943.36(1), Florida Statutes, providing for state funding of 75 percent of the operating costs of existing criminal analysis laboratories, rather than state matching funds of up to 75 percent of such costs; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Ware—

SB 920—A bill to be entitled An act relating to the Florida Housing Act; amending s. 420.101(1)(c), Florida Statutes, specifying intent; providing that housing development corporations shall provide financing for certain commercial projects related to corporation housing activities; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By Senator Hill—

SB 921—A bill to be entitled An act relating to alcoholic beverage licenses; adding subsection (11) to s. 561.20, Florida Statutes, 1978 Supplement, providing for the issuance of special limited alcoholic beverage permits for on-board premises consumption to passenger ships engaged in foreign commerce; providing for the terms and conditions of such permits; providing a fee; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Ware—

SB 922—A bill to be entitled An act relating to fire prevention and control; amending s. 633.021(12), (13), Florida Statutes; redefining the term "fire protection system" and the term "contractor"; amending s. 633.061, Florida Statutes, 1978 Supplement; exempting licensed plumbers and underground utility contractors from licensure requirements of chapter 633, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Dunn—

SB 923—A bill to be entitled An act relating to the Commission on Ethics; amending s. 112.321(1), Florida Statutes; requiring the Chief Justice of the Supreme Court to appoint one member of the commission; deleting requirement that the Senate confirm the Governor's appointees to the commission; prohibiting a commission member from holding any other public office or employment; amending s. 112.322(1)-(4), Florida Statutes, and adding subsections (8)-(10) to said section; enlarging the duties, powers, and jurisdiction of the commission; requiring the commission to investigate and act on complaints of breach of public trust; deleting confidentiality of persons requesting advisory opinions; authorizing requests for advisory opinions relating to provisions of s. 8, Art. II of the State Constitution; expanding the commission's use of subpoenas; authorizing circuit courts to require attendance of subpoenaed persons before a hearing examiner or court reporter; providing compensation for certain witnesses; authorizing investigation of persons failing to file financial disclosure statements; requiring preparation of certain materials; authorizing informational programs; amending s. 112.324, Florida Statutes; modifying commission's procedure for investigating complaints; providing for confidentiality of proceedings and complaints; requiring the commission to report certain violations of the code of ethics to the Attorney General; authorizing the commission to invoke a reprimand or public censure; adding s. 95.11(4)(f), Florida Statutes, 1978 Supplement; providing a time limitation for actions based upon a breach of public trust or a violation of part III of chapter 112, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Judiciary-Civil.

By Senator Scott—

SB 924—A bill to be entitled An act relating to campaign financing; amending s. 106.011(3) and (4), Florida Statutes, including transfers of funds to certain savings accounts or to certificates of deposit and earned interest within the definition of "contribution"; including certain transfers of campaign funds within the definition of "expenditure"; amending s. 106.021(1)(b), Florida Statutes, permitting a candidate's campaign treasurer or deputy treasurer to deposit unneeded campaign funds in a savings account or to purchase a certificate of deposit; requiring such accounts or certificates to be separate from other savings accounts or certificates of deposit; restricting the withdrawal of funds therefrom; amending s. 106.06, Florida Statutes, requiring certain records; permitting certain inspection of such accounts or certificates of deposit; adding a paragraph to s. 106.07(4), Florida Statutes, requiring campaign expenditures and contributions reports to contain certain information with respect to such accounts and certificates; adding subsection (6) to s. 106.08, Florida Statutes, 1978 Supplement, exempting transfers of funds to such accounts and certificates, and earned interest, from certain provisions limiting and restricting contributions; adding a new subsection (4) to s. 106.141, Florida Statutes, requiring the transfer of

funds in such accounts and certificates to the campaign account of a candidate for disposal upon his withdrawal, elimination, or election; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator McClain—

SB 925—A bill to be entitled An act relating to apprenticeship programs; amending s. 446.011, Florida Statutes; providing legislative intent; amending s. 446.021, Florida Statutes; providing definitions; amending s. 446.031, Florida Statutes; providing scope of standards and policies governing apprentice programs and agreements; requiring the State Apprenticeship Council to meet not less than three times a year; providing that the chairman may only vote in case of a tie vote; providing that the administrator of industrial education of the Department of Education is a nonvoting member; amending s. 446.041, Florida Statutes, 1978 Supplement; providing for a full-time chief of the Bureau of Apprenticeship; establishing powers and duties of such chief; prescribing the powers and duties of the bureau; amending s. 446.051, Florida Statutes; removing certain responsibilities from the supervisor of trade and industrial education of the Department of Education; placing such responsibilities with the registered program sponsor; directing district school boards and community college boards of trustees to assist in providing to any registered program sponsor certain facilities, equipment and supplies, and instructors' salaries; amending s. 446.052, Florida Statutes; providing duties of the Division of Vocational Education, the Division of Labor, and the boards of trustees of the various community colleges; deleting provision granting certain priorities to veterans; amending s. 446.071, Florida Statutes; providing criteria to be considered by the bureau when determining the need for new registered programs; authorizing the division and the bureau to grant variances from certain standards; amending s. 446.075, Florida Statutes; conforming language; creating s. 446.092, Florida Statutes; providing criteria for apprenticeship occupations; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce, Education and Ways and Means.

By Senator Jenne—

SB 926—A bill to be entitled An act relating to stone crabs; amending s. 370.13(1)(c), Florida Statutes, republishing subsection (3) thereof; providing that persons taking stone crabs may remove only the left claw in odd-numbered years and the right claw in even-numbered years; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Frank—

SB 927—A bill to be entitled An act relating to community colleges; adding s. 230.754(2)(k), Florida Statutes; permitting the board of trustees of a community college to provide for recognition of employees who have contributed outstanding and meritorious service in their fields and to implement a program of awards to employees who proposed procedures which are adopted and which result in reduced expenditures or improved operations; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Winn—

SB 928—A bill to be entitled An act relating to district school boards; amending s. 232.275, Florida Statutes, providing for the payment of attorney's fees and expenses to school boards, their employees or agents, or insurance carriers with respect to certain legal actions against the school board, its employees, or agents; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator Frank—

SB 929—A bill to be entitled An act relating to the Board of Regents; adding s. 240.042(2)(r), Florida Statutes; authorizing the Board of Regents to provide for recognition of employees who have contributed outstanding service in their fields, to adopt and implement a program to provide awards to employees who propose procedures which are adopted which eliminate or reduce expenditures or improve operations, and to expend funds for such awards; limiting the amount of any such award; providing an effective date.

—was read the first time by title and referred to the Committees on Education, Governmental Operations and Ways and Means.

By Senator Jenne—

SB 930—A bill to be entitled An act relating to the practice of pharmacy; adding a new section to chapter 465, Florida Statutes; providing for the adoption of a formulary of certain patent or proprietary drugs by the Florida Board of Pharmacy, the State Board of Medical Examiners, and the Division of Consumer Services of the Department of Agriculture and Consumer Services; providing for amendment of the formulary; providing for delivery of such formulary to certain pharmacists; providing for the dispensing of drugs listed in the formulary only by a pharmacist; providing for consultation between a pharmacist and purchaser with respect thereto; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services, Commerce and Ways and Means.

By Senator McKnight (by request)—

SB 931—A bill to be entitled An act relating to Monroe County; authorizing the Board of County Commissioners to operate and otherwise regulate the activities of the Monroe County Jail and the various programs for housing and rehabilitation of county prisoners; creating the Monroe County Division of Corrections; providing for employment of trained personnel; granting the manager of the Monroe County Jail and his designees certain powers relating to prisoners and escapees; providing for the transfer of existing corrections personnel; providing that the County shall assume total responsibility for all prisoners; superseding all laws, whether general or special, to the extent of conflict with this act; providing an effective date.

Proof of publication of the required notice was attached

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Spicola—

SB 932—A bill to be entitled An act relating to sentencing practices; providing authorization for the Supreme Court to seek, receive, and administer federal funds to conduct multi-jurisdictional pilot projects relating to sentencing guidelines; providing for reports and recommendations to the Legislature; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal; Corrections, Probation and Parole; and Ways and Means.

By Senator Holloway—

SB 933—A bill to be entitled An act relating to transportation; creating s. 334.215, Florida Statutes, providing for the creation of a metropolitan planning organization within each urbanized area in the state where a planning organization is necessary to meet federal requirements for obtaining and expending federal transportation funds; providing for membership and appointment; providing for the designation of certain existing organizations as metropolitan planning organizations; providing for the appointment of technical and citizens advisory committees; providing for the powers and duties of metropolitan planning organizations, advisory committees and the Department of Transportation; providing for cooperative agreements with certain agencies, receipt of federal funding, and charter county option; providing for the invalidity of provisions of the act which are in conflict with federal require-

ments; requiring the full operation of all metropolitan planning organizations by January 1, 1980; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation; Economic, Community and Consumer Affairs; and Ways and Means.

By the Committee on Transportation—

SB 934—A bill to be entitled An act relating to traffic control; adding s. 316.003(67), Florida Statutes; defining "chief administrative officer"; amending s. 316.650, Florida Statutes; requiring the Department of Highway Safety and Motor Vehicles to supply each traffic enforcement agency an appropriate form traffic citation and specifying requirements of such citations; requires courts, enforcement agencies, and the department to be jointly accountable for such citations; requires the chief administrative officer to transmit the department record copy of a citation to the department and to the courts having jurisdiction; providing procedures for using such citations; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

By Senator Dunn—

SB 935—A bill to be entitled An act relating to ethics in government; amending s. 112.312, Florida Statutes; providing definitions; amending s. 112.313(2), (4), (6), (9), (12), Florida Statutes, and adding subsections (13) and (14) to said section; prohibiting certain persons from soliciting or accepting certain things of value; prohibiting certain persons from misusing their public office or position; requiring public officers and employees to make certain disclosures; prohibiting nepotism; amending s. 112.3143, Florida Statutes; requiring disclosure of certain conflicts of interest; amending s. 112.317(1), (2), (6), Florida Statutes, prescribing civil penalties; prohibiting the disclosure of certain information; providing a penalty; repealing s. 112.3191, Florida Statutes, which provides a short title; repealing s. 116.111, Florida Statutes, relating to nepotism; repealing ss. 839.07-839.11, Florida Statutes, relating to prohibitions of and penalties for certain conduct of public officers and employees; repealing s. 839.25(1)(c), Florida Statutes, relating to a definition of "official misconduct"; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Judiciary-Civil.

By Senator Ware—

SB 936—A bill to be entitled An act relating to educational facilities; amending s. 235.26(5)(a), Florida Statutes, 1978 Supplement, to provide that approval of phase III documents relating to contracts for construction shall be effective for a 3-year period; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senators Dunn and MacKay—

SB 937—A bill to be entitled An act relating to state funds; amending s. 215.32(1), (2)(c), Florida Statutes; abolishing the Working Capital Fund and creating the Budget Stabilization Fund; creating s. 215.3201, Florida Statutes; providing definitions; providing for amounts and times of transfers into and out of the Budget Stabilization Fund; requiring the Governor to include an estimate of the amount to be transferred into or out of said fund in the budget he submits to the Legislature; providing that the Legislature may make an emergency appropriation from said fund if certain conditions exist; providing a limit to the balance of said fund; providing that any excess over said limit revert to the General Revenue Fund for certain appropriations; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Spicola (by request)—

SB 938—A bill to be entitled An act relating to issuance of inspection warrants; creating ss. 933.20-933.27, Florida Statutes, to provide for the issuance of inspection warrants for

suspected violations of any state or local law or rule relating to building, fire, safety, plumbing, electrical, health, minimum housing, or zoning standards; providing restrictions upon the issuance and use of such warrants; prohibiting denial of entry to possessors of such warrants; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal and Commerce.

By Senator McKnight—

SB 939—A bill to be entitled An act relating to medicinal drugs; amending s. 500.152, Florida Statutes; authorizing the Board of Pharmacy to adopt rules providing for the distribution and disposition of certain medicinal drugs; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senator Jenne—

SB 940—A bill to be entitled An act relating to landlord and tenant; adding a new subsection (7) to s. 83.49, Florida Statutes; requiring certain residential landlords to file an amount with the registry of the court of competent jurisdiction when sued with respect to a security deposit or advanced rent; providing for the immediate payment by the clerk of certain judgments in favor of the tenant; providing a penalty; providing that the remedy shall not be exclusive; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Judiciary-Civil.

By Senator Gorman—

SB 941—A bill to be entitled An act relating to the 1981 National Sports Festival; providing an appropriation, its use and disposition under certain circumstances; providing for site selection; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Peterson—

SB 942—A bill to be entitled An act relating to motor vehicles; amending s. 320.07(3), Florida Statutes; providing a delinquent fee for late registration of motor vehicles; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Ways and Means.

By Senator Peterson—

SB 943—A bill to be entitled An act relating to health studio services; amending s. 501.012(6)(a), Florida Statutes, 1978 Supplement; requiring the maintenance of a bond with respect to every health studio offering health studio services; providing the period during which the bond shall be maintained; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Holloway—

SB 944—A bill to be entitled An act relating to circuit courts; amending s. 26.031(1)(k), Florida Statutes, 1978 Supplement; increasing the number of circuit judges in the Eleventh Judicial Circuit; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Ways and Means.

By Senator Fechtel—

SM 945—A memorial to the Congress of the United States, urging Congress to propose an amendment to the Privacy Act

of 1974 to allow verification of an applicant's Social Security number at the time of application for food stamps.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Poole—

SB 946—A bill to be entitled An act relating to dependency; amending s. 39.41(3)(a), Florida Statutes, 1978 Supplement, which provides requirements which must be met before the court may permanently commit a dependent child to a licensed child-placing agency or the Department of Health and Rehabilitative Services for adoption; providing that service of process or notice is not required upon a father who the court finds does not meet specified provisions; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Stuart—

SB 947—A bill to be entitled An act relating to group life insurance; amending s. 627.573, Florida Statutes, to provide that upon replacement or termination of a group life insurance policy the prior insurer remains liable to the extent of its accrued liabilities and extensions of benefits; creating s. 627.574, Florida Statutes, setting forth the liability of the succeeding insurer upon replacement; creating s. 627.575, Florida Statutes, requiring extension of benefits and providing provisions therefor; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Williamson—

SB 948—A bill to be entitled An act relating to tax on tobacco products; amending s. 210.01(1), Florida Statutes, removing from the definition of cigarette the exception for fully naturally fermented tobacco and including any roll for smoking containing flue-cured tobacco; adding subsection (8) to s. 210.02, Florida Statutes, imposing a tax on cigars; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senators Williamson and Stuart—

SB 949—A bill to be entitled An act relating to municipalities; adding subsection (3) to s. 166.042, Florida Statutes; providing that with respect to the Municipal Home Rule Powers Act it is the legislative intent that the state, the counties, and their agencies must comply with, or obtain waivers of compliance with, municipal regulations in those municipalities in which they operate; providing the criterion to be judicially applied in deciding questions of wrongful denial of waiver; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Governmental Operations.

By Senators Ware and W. D. Childers—

SB 950—A bill to be entitled An act relating to debt or exemptions; creating s. 222.20, Florida Statutes; providing that the federal exemptions in section 522(d) of the Bankruptcy Code of 1978, (11 U.S.C. 522(d)), are not available to persons residing in this state; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Trask—

SB 951—A bill to be entitled An act relating to taxes; providing for a uniform rate of interest with respect to certain nonproperty taxes, such interest to be the same as that prescribed by the Internal Revenue Code; amending ss. 198.15 and 198.18(2), Florida Statutes, relating to extensions of estate

taxes and deficient estate taxes; amending s. 199.052(8)(b), Florida Statutes, relating to overdue intangible personal property taxes; amending s. 201.17(2)(c), Florida Statutes, relating to delinquent documentary stamp tax payments; amending s. 203.06, Florida Statutes, relating to delinquent gross receipts taxes; amending ss. 206.44(2) and 206.94(2), Florida Statutes, relating to delinquent motor fuel and special fuel tax payments; amending s. 210.14(1), Florida Statutes, and reenacting s. 562.17, Florida Statutes, relating to delinquent cigarette and beverage taxes; amending s. 212.12(3) and (5), Florida Statutes, 1978 Supplement relating to extensions of and delinquent sales and use taxes; amending s. 214.43(1) and (6), Florida Statutes, providing for uniform interest rate to be the same as that prescribed by the Internal Revenue Code; amending s. 198.29(1), Florida Statutes, relating to overpayments of estate taxes; adding subsection (3) to s. 199.252, Florida Statutes, relating to overpayments of intangible personal property taxes; amending ss. 206.53, Florida Statutes, 1978 Supplement, and s. 206.64, Florida Statutes, and reenacting s. 336.021(1), Florida Statutes, relating to refund of motor fuel tax payments; amending s. 210.11, Florida Statutes, relating to refund of cigarette taxes; adding subsection (8) to s. 212.17, Florida Statutes, 1978 Supplement, relating to sales and use tax refunds or credits; amending s. 214.14, Florida Statutes, providing for uniform interest rate to be the same as that prescribed by the Internal Revenue Code; amending s. 215.26(1), Florida Statutes, 1978 Supplement, providing for payment of interest on certain tax refunds and overpayments by Comptroller; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce; Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Gordon—

SB 952—A bill to be entitled An act relating to medical assistance for needy persons; amending s. 409.266(4), Florida Statutes, 1978 Supplement, requiring the Department of Health and Rehabilitative Services to provide certain medical services and supplies to eligible recipients of Medicaid under certain conditions; reenacting s. 409.345(10), Florida Statutes, 1978 Supplement, to incorporate the amendment to s. 409.266(4) in a reference thereto; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

By Senator Winn—

SB 953—A bill to be entitled An act relating to financial accounts and expenditures of school districts; amending s. 237.211(2), Florida Statutes, 1978 Supplement, relating to school depositories, to authorize each school board to commingle certain of its funds in a single checking account under certain conditions; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed—

CS for HB 57	CS for HB 67	HB 436
HB 848	HB 315	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Moffitt—

CS for HB 57—A bill to be entitled An act relating to garnishment; revising chapter 77, Florida Statutes; amending ss. 77.01, 77.03, 77.031, 77.04, 77.06, 77.07, 77.08, 77.081, 77.082, 77.083, 77.13, 77.14, 77.15, 77.16, 77.17, 77.19, 77.24, and 77.28, Florida Statutes; providing right to garnishment, with exceptions; providing for the issuance of writs of garnishment before

judgment except upon wages or salaries; providing for the issuance of writs of garnishment after judgment; providing for the form of writs of garnishment; providing for the effect of the writ of garnishment; eliminating certain procedures required of a bank with respect to writs of garnishment; providing for a dissolution of writs of garnishment; providing for jury trials on garnishment pleadings; providing for defaults and judgments; providing for execution and disposition of property in garnishment proceedings; providing for judgment against garnishee; providing for execution against garnishee for surrender of property under garnishment; providing for the disposition of property surrendered by a garnishee; providing procedures with respect to third persons; providing for compensation to garnishee; providing for amount retained by garnishee; providing for release of property by defendant; providing for the deposit of an attorney's fee before the issuance of any writ of garnishment; creating ss. 77.041, 77.042, 77.043, 77.084, and 77.29, Florida Statutes; providing for answer to writ of garnishment; providing for service of traverse; providing for service of pleadings; providing for effects of a judgment for the defendant; providing for setoff by garnishee; repealing s. 77.02, Florida Statutes, relating to garnishment in tort action; repealing s. 77.061, Florida Statutes, relating to reply to a writ of garnishment; repealing s. 77.22, Florida Statutes, relating to the effect of a judgment for the defendant; repealing s. 77.27, Florida Statutes, which disallows an appeal from a judgment before attorney's fees are paid into court; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By the Committee on Appropriations and Representative Gustafson—

CS for HB 67—A bill to be entitled An act relating to special laws; creating s. 11.247, Florida Statutes; directing the Joint Legislative Management Committee to prepare and maintain a codification of all special laws and general laws of local application; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Rules and Calendar and Ways and Means.

By the Committee on Criminal Justice—

HB 436—A bill to be entitled An act relating to police officer training and certification; adding a subsection to s. 943.12, Florida Statutes, 1978 Supplement, establishing grounds for the revocation of police officer certificates; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Representatives Morgan and Robinson—

HB 848—A bill to be entitled An act relating to the Department of State; providing an appropriation for library grants to the Division of Library Services of the Department of State; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Representative Boles—

HB 315—A bill to be entitled An act relating to the state gem; amending s. 15.034, Florida Statutes, to redesignate the state gem; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Rules and Calendar.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 4, HB 691 and CS for HB 60 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation and Representatives Richmond and Dunbar—

CS for HB 4—A bill to be entitled An act relating to tax exemption; creating s. 196.1965, Florida Statutes; specifying

additional criteria under which certain structures owned by bona fide civic organizations shall be considered to serve a charitable purpose and be exempt from ad valorem taxation; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations; Ways and Means Subcommittee D and the Committee on Ways and Means.

By Representatives Batchelor and R. C. Johnson—

HB 691—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending ss. 20-19(3)(c) and 383.14(4), Florida Statutes, 1978 Supplement, changing the name of the Retardation Program Office to the Developmental Services Program Office; providing a hold harmless clause for retardation funding; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By the Committee on Ethics & Elections and Representative Hieber—

CS for HB 60—A bill to be entitled An act relating to retirement benefits; providing that public officers and employees may forfeit certain rights and benefits under state and local retirement systems upon conviction of any felony involving a breach of public trust; providing procedures for determination by the court whether a felony is one involving a breach of public trust and whether retribution is necessary; repealing s. 121.091(5)(f) and (h), Florida Statutes, which provide for forfeiture of retirement benefits under the Florida Retirement System under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations; Ways and Means Subcommittee E and the Committee on Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 307 and HB 308 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Education, Higher—

HB 307—A bill to be entitled An act relating to universities; amending s. 239.68 and adding paragraph (j) to s. 239.682(1), Florida Statutes, to require the Florida Student Financial Aid Advisory Council to advise the Florida Student Financial Assistance Commission; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Representatives Burnsed and Flynn—

HB 308—A bill to be entitled An act relating to group insurance for public officers and employees; amending s. 112.0801, Florida Statutes, authorizing community colleges which provide group insurance plans for employees to continue such coverage with respect to retired employees under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committee on Education; Ways and Means Subcommittee E and the Committee on Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB's 2, 7 & 8, and HB 51 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representatives Lehman and Easley—

CS for HB's 2, 7 & 8—A bill to be entitled An act relating to contraband; amending s. 943.41(1) and (2), Florida Statutes, providing a short title; including personal property used or intended for use in the commission of certain crimes within the definition of "contraband articles"; adding subsection (4) to s. 943.42, Florida Statutes, making unlawful the concealment or possession of contraband articles of personal property; amending s. 943.43, Florida Statutes, providing for forfeiture of contraband articles of personal property; amending s. 943.44(1) and (2), Florida Statutes, providing forfeiture proceedings for such personal property; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Representative Dunbar and others—

HB 51—A bill to be entitled An act relating to condominiums; amending s. 718.401(4), Florida Statutes, 1978 Supplement, authorizing condominium associations to raise any issue or interpose any defense in certain actions involving leaseholds; requiring condominium associations to deposit rents in the court registry whenever they initiate certain actions or interpose certain defenses; providing the consequences of noncompliance; authorizing certain disbursement of such deposit; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 71 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Liberti and others—

HB 71—A bill to be entitled An act relating to parental liability; amending s. 741.24, Florida Statutes, increasing the maximum liability of parents for willful destruction or theft of property by their minor children; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed—

HB 344	HB 658	HB 659
HB 990	HB 1142	HB 1514
CS for HB 110	HB 376	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Bell—

HB 344—A bill to be entitled An act relating to savings associations; amending s. 665.271, Florida Statutes, exempting convenience accounts from provisions relating to accounts in two or more names and to survivorship interests in such accounts; creating s. 665.272, Florida Statutes, authorizing convenience accounts in savings associations with restricted use thereof by agents of the principal of the account; providing for the payment of funds upon the death or disability of the principal of a convenience account; discharging a savings and loan association from liability under certain circumstances; providing the association with a right to setoff against the account; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By the Committee on Agriculture & General Legislation—

HB 658—A bill to be entitled An act relating to frozen desserts; amending s. 503.011(4), Florida Statutes; conforming frozen desserts standards to the latest federal standards of identity; repealing s. 503.061, Florida Statutes, which prohibits sale of mellorine-type products; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

By the Committee on Agriculture & General Legislation—

HB 659—A bill to be entitled An act relating to milk and milk products; amending s. 502.061(5), Florida Statutes; providing that official sampling procedures and required laboratory examinations shall be in compliance with certain methods as established by department rule; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

By the Committee on Agriculture & General Legislation—

HB 990—A bill to be entitled An act relating to the transportation of citrus; amending s. 601.731(1), Florida Statutes; limiting the exemption from provisions governing the transportation of citrus on the highways; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

By the Committee on Commerce—

HB 1142—A bill to be entitled An act relating to interlocal agreements; amending s. 163.01(7)(c), Florida Statutes, to authorize certain separate legal entities comprised of electric utilities to issue and sell bonds and bond anticipation notes subject to certain restrictions; providing limitations upon bond validation actions; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Ways and Means.

By the Committee on Criminal Justice and Representative Crawford—

HB 1514—A bill to be entitled An act relating to the Florida Racketeer Influenced and Corrupt Organization (RICO) Act; amending ss. 943.46 and 943.464(2) and the introductory paragraph of s. 943.461, Florida Statutes, to conform to the act; creating s. 943.465, Florida Statutes; providing for civil investigative subpoenas; providing for court orders to compel compliance with subpoenas; providing for immunity for those compelled to testify pursuant to subpoena; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By the Committee on Community Affairs and Representative Robinson—

CS for HB 110—A bill to be entitled An act relating to disposition of county parks; creating s. 125.335, Florida Statutes, authorizing and establishing procedures by which boards of county commissioners may vacate certain parks; providing restrictions; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By the Committee on Agriculture & General Legislation and Representative A. E. Johnson—

HB 376—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; redesignating ss. 570.281, 570.282, 570.284, Florida Statutes, as ss. 570.542, 570.543, and 570.545, Florida Statutes, respectively, and redesignating s. 570.283, Florida Statutes, 1978 Supplement, as s. 570.544, Florida Statutes; creating ss. 570.548, 570.549, Florida Statutes; establishing the bureaus of the Division of Forestry of the Department of Agriculture and Consumer Services; prescribing

duties of each bureau; providing for the appointment and removal and prescribing the duties and qualifications of the director of the division; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture and Governmental Operations.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 439 HB 280 HB 345 HB 1515

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Agriculture & General Legislation and Representative A. E. Johnson—

HB 439—A bill to be entitled An act relating to the Division of Forestry; adding a paragraph to s. 590.02(1), Florida Statutes; providing for rulemaking authority in the area of forest protection; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture and Governmental Operations.

By Representative Bell

HB 345—A bill to be entitled An act relating to banking; amending s. 659.292(1) and (3), Florida Statutes, exempting certificates of deposit from the definition of convenience accounts; authorizing agents of the principal of convenience account to make deposits to the account; requiring proof of certain judicial appointments only if applicable prior to the payment of funds to the guardian or personal representative of the principal; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By the Committee on Criminal Justice and Representatives Crawford and Easley—

HB 1515—A bill to be entitled An act relating to trespass and larceny with relation to utility or cable television fixtures; amending s. 812.14(3), Florida Statutes, 1978 Supplement, providing for prima facie evidence of violations; providing conditions required for the presumption of such violations; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Representative Patchett—

HB 280—A bill to be entitled An act relating to sale or conveyance of state lands; amending s. 253.111, Florida Statutes, providing that state lands may be sold to a county upon determination of the board of county commissioners by resolution that such land will be devoted to a public purpose; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

ENROLLING REPORTS

SB 107 and SB 108 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 19, 1979.

Joe Brown, Secretary

SCR 847 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on April 19, 1979.

Joe Brown, Secretary

CO-INTRODUCERS

Senator MacKay—SB 885; Senator Spicola—SB 554; Senator Winn—SB 771; Senator Gorman—SB 141; Senator McClain—SB 26; Senator Carlucci—SB 793

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 17 was corrected and approved.

The Journal of April 3 was further corrected and approved as follows:

Page 70, from bottom of column 2, between lines 6 and 7 insert: Amendment 43 as amended was adopted.

The Senate adjourned at 12:30 p.m. to convene at 8:30 a.m. Friday, April 20, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.